U.S. Department
of Transportation
United States
Coast Guard

BOATING STANDARDS MANUAL

COMDTINST M16761.2B

U.S. Department of Transportation
United States Coast Guard

Commandant (G-MVI-1)
United States Coast Guard

MAILING ADDRESS:
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COMDTNOTE 16761
15 JAN 1992

COMMANDANT NOTICE 16761

CANCELLED: 14 JUL 1992

Subj: CH-1 to Boating Standards Manual, M16761.2B

1. PURPOSE. This notice provides guidelines for the use of Coast Guard Auxiliarists in the Recreational Boating Standards Program.

2. SUMMARY OF CHANGES. The changes consist of a new Chapter 18 for the subject manual and additions to the Table of Contents.

3. ACTION. Remove and insert the following pages:

Remove	Insert
Pages vii and viii	Pages vii and viii
	Pages 18-1 and 18-2

A.E. Henn
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Safety, Security
and Environmental Protection

Encl: (1) CH-1 TO COMDTINST M16761.2B

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COMDTINST M16761.2B

26 MAR 1991

COMMANDANT INSTRUCTION M16761.2B

Subj: Boating Standards Manual

Ref: (a) COMDTINST M16000.6, Marine Safety Manual, Volume I
(b) COMDTINST M16000.7. Marine Safety Manual, Volume II
(c) COMDTINST M5230.14A, MSIS Marine Inspection Transaction Guide

1. PURPOSE. The purpose of the Boating Standards Manual is to promulgate and consolidate Coast Guard policies and internal operating procedures for the administration of the Recreational Boating Standards Program.

2. DIRECTIVES AFFECTED. The Boating Standards Manual, COMDTINST M16761.2A, is hereby cancelled.

3. DISCUSSION.

   a. On 15 April 1988, Regional Boating Standards Units (RBSU) were disestablished and their functions transferred to the Office of Marine Safety, Security and Environmental Protection. Each Officer in Charge of Marine Inspection (OCMI) was assigned responsibility to conduct factory visits to recreational boat manufacturers within their zone. District Boating Safety Divisions and the Auxiliary, Boating, and Consumer Affairs Division (G-NAB) retained responsibility for administration of all other boating safety programs.

   b. The Recreational Boating Product Assurance Branch (G-NAB-6) is the primary program manager for the administration of the boating standards function. The Compliance and Enforcement Branch of the Merchant Vessel Inspection and Documentation Division (G-MVI-1) coordinates with (G-NAB-6) to support and supervise the accomplishment of the boating standards factory visits on the national level.

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NON-STANDARD DISTRIBUTION: * (See page 3)

c. It is not neccessary that the marine safety personnel conducting the factory visits be qualified in any other aspect of marine inspection. The individuals conducting the factory visits must display maturity, good judgment and a thorough understanding of the applicable regulations and policy procedures contained in this manual. It is desirable for the boating standards inspector to have experience in small boat operation or maintenance. Either Officers or Petty Officers can make excellent Boating Standards Inspectors given adequate training and opportunity.

d. Initial mission performance standards were adopted from the previous edition of this Manual and issued in a G-MVI policy letter dated 10 February 1989. The formal mission performance standard, once published, will be contained in reference (a). Currently the mission performance standard is to visit, once a year, each factory that is building boats subject to the standards of 33 CFR 183. Those factories building boats not subject to 33 CFR 183 (e.g., sailboats, kayaks, canoes, inflatables) should be visited once every three years primarily for the purpose of educating the manufacturers on boating safety issues.

e. The decision was made to retain the majority of the guidance for the factory visits in this manual vice incorporating it into reference (b). This is partly due to the fact that personnel other than marine inspectors can conduct boating standards factory visits. The other consideration was a desire to retain this manual in a size that could be easily utilized by inspectors in the course of their factory visits.

f. The decision to include the examination check list (appendix 6 to this manual) in the 8 1/2" by 11" format of this manual, vice a smaller booklet similar to the CG-840S series, was made after considering the relative ease of filing and reproduction by local OCMI's, increased space for narrative remarks, and the ability of an inspector to utilize a clipboard in the factory environment.

4. REPORTS/FORMS REQUIRED.

a. OCMI's shall report man hours expended on recreational boat manufacturer factory inspections by entering the pertinent data into the Marine Safety Information System (MSIS) in accordance with the guidance contained in reference (c).

b. Additional reports to G-NAB-6 and G-MVI-1 are described under the applicable section of this manual.

5. PROCEDURE. In accordance with the guidance and procedures contained in this manual and reference (a), Officers in Charge of Marine Inspection shall:

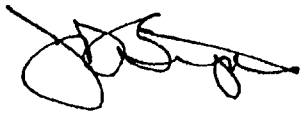
a. conduct recreational boat manufacturer factory visits in accordance with the mission performance standards contained in this instruction and the guidance contained in reference (a).

b. maintain and update the list of recreational boat manufacturer's for their zone and inform G-NAB-6 of additions or deletions to that list.

c. use MSIS to document the number of recreational boat manufacturer factories visited and the number of manhours expended.

d. standardize recreational boat manufacturer factory visits using the guidance contained in this manual.

6. ACTION. Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers and Commander, Coast Guard Activities Europe shall ensure that the Recreational Boating Standards Program is administered in accordance with the policies and procedures in this Manual.



J. D. Sipes
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Safety, Security
and Environmental Protection

Encl: (1) Boating Standards Manual and Appendices

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CHAPTER 1 -- THE BOATING STANDARDS PROGRAM

A. HISTORY

The Coast Guard's present involvement with recreational boating safety began with the promulgation of the Federal Boat Safety Act of 1971 ("The Act" or "FBSA"). The Act, now recodified as part of Title 46 of the United States Code (46 U.S.C. Chapter 43), differs from earlier Federal boating acts, specifically the Motorboat Act of 1940 and the Federal Boating Act of 1958, because it gave the Coast Guard the authority to establish comprehensive boating safety programs; authorized the establishment of national construction and performance standards for boats and associated equipment; and created a more flexible regulatory authority concerning the use of boats and associated equipment.

1. Standards Development.

   a. The earlier Acts required the owners/operators of recreational boats to install or carry specific safety items on their boats such as flame arresters on carburetors and approved PFDs and fire extinguishers. The new FBSA shifted much of the burden of regulations from the owners/operators to the manufacturers and dealers of recreational boats and associated equipment.

   b. The first regulations and standards were adopted from industry standards published by the American Boat and Yacht Council (ABYC) and the Boating Industry Associations. The Federal Register of 4 August 1972 promulgated a set of regulations and safety standards covering defect notification, boat identification, safe loading, safe powering, and flotation for boats less than 20 feet in length. Later standards covered level flotation, electrical systems, fuel systems, ventilation and start-in-gear protection. Below is a brief summary of the rulemaking process.

2. Rulemaking.

   a. In establishing a need for formulating and prescribing regulations and standards, the Coast Guard:

      (1) considers the need for and extent to which the regulations or standards will contribute to boating safety;

      (2) considers relevant available boating safety standards, statistics and data, including public and private research and development, testing and evaluation;

      (3) considers whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed; and

      (4) consults with the National Boating Safety Advisory Council (NBSAC).

   c. Boating safety standards are published as mandatory rules, using the procedures of the Federal "Administrative Procedure Act" (APA). The APA is designed to protect persons affected by proposed regulations from an irresponsible act of the Federal Government in making and processing rules which become a part of the Code of Federal Regulations.

   d. Each rule proposed by the Coast Guard, as well as each final rule, must be published in the Federal Register. In order to afford interested persons an opportunity to comment upon proposed regulations, the Coast Guard publishes a Notice of Proposed Rule Making. Publication of the proposed rule in the Federal Register fulfills all the requirements for public notification for rulemaking procedures; however, in order to guarantee the widest possible dissemination of information, proposed rules and final rules are usually published in the Boating Safety Circular. Following publication of the Notice of Proposed Rulemaking, the comment period usually lasts 45 to 60 days. A public hearing may also be scheduled to hear oral presentations during the comment period. All comments received must be in writing. When final rules are published, the subject matter of each comment received is specifically addressed in the preamble to the final rule. Reasons for either accepting or rejecting each comment are stated.

A.2. e. The Auxiliary, Boating and Consumer Affairs Division at U.S. Coast Guard Headquarters is responsible for the development of regulations related to boating safety. The Recreational Boating Product Assurance Branch (G-NAB-6) of the division is responsible for the development of safety standards for recreational boats and associated equipment.

f. The system used in the development of safety standards is composed of three subsystems: (1) Administrative Regulations, (2) Incident Avoidance, and (3) Incident Recovery. The Administrative Regulations subsystem includes those areas that are concerned with the general administrative and procedural requirements necessary to implement 46 U.S.C. Chapter 43 and any safety standards issued thereunder. The Incident Avoidance subsystem includes all systems which function together to reduce the likelihood that an incident will occur or proceed to its worst possible outcome once it has begun. The Incident Recovery subsystem comprises all systems which function together to reduce the likelihood of death, injury and property damage once an incident has occurred. In other words, those systems which give the boat operator the capability to recover most effectively from whatever incident has occurred.

g. Safety standards must be based upon a demonstrated need. This need is frequently related to research involving actual boating safety problem areas. Problem areas are identified from sources such as the Boating Accident Reports, State Accident Reports, Defect Notification Reports, and consumer complaints. Specific problems are identified, categorized, and subdivided into specific project areas for standards development.

CHAPTER 2 -- MANUFACTURER REQUIREMENTS--LABELS

A. CERTIFICATION

THIS BOAT COMPLIES WITH U.S. COAST GUARD SAFETY STANDARDS IN EFFECT ON THE DATE OF CERTIFICATION

ABC BOAT COMPANY
CITY, STATE

FIGURE 1 - CERTIFICATION LABEL

1. Regulation reference: 33 CFR 181, Subparts A and B; 46 U.S.C. 4302(a)(3) and 4307(a)(2)

   See Table 1 - Summary of Label Requirements

2. Purpose. Under 46 U.S.C. 4302(a)(3), the Coast Guard has the authority to require or permit the display of labels for the purpose of certifying or evidencing compliance with Federal regulations and safety standards for boats and associated equipment. The certification of compliance statement indicates to the consumer that a boat complies with applicable safety standards in effect on the date of certification.

3. General. The requirements for a certification label in 33 CFR 181 apply only to boats. The requirements for HIN's, MSD's, navigation lights, etc., are not safety standards, as such, and by themselves would not warrant certifying a boat. Certification requirements must not be confused with certain markings, Coast Guard approvals or capacity plates. In determining the applicability of a particular standard (and hence the requirement to certify) it is necessary that the product fall within the broad scope of 46 U.S.C. 4301 and 4307, as well as the specific applicability of the subpart of Part 183 in question.

4. When Required. The certification label must be affixed before the boat or item of associated equipment leaves the place of manufacture for the purposes of sale or is imported.

5. Who Affixes. Manufacturers of boats and associated equipment subject to standards in 33 CFR Part 183 are subject to the certification regulations. Note that at the present time there are no standards in Part 183 which apply to inboard engines (or I/O's). The Fuel and Electrical Systems regulations apply to BOATS. Therefore no certification label is required, nor permitted on these engines. Outboard engines, which are required to have Start-In-Gear Protection, are specifically exempted from the requirement for a certification label.

6. Permanency.

   a. Certification labels must be capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold and wear expected in normal use of the boat without deterioration of legibility. Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

   b. The question has arisen concerning the use of labels fabricated from MYLAR which are coated with adhesive by which each label is affixed to the boat or associated equipment. Both the durability and retention force of the adhesive have been questioned as being adequate and within the scope of this subpart. Compliance labels required by Subpart B of Part 181 fabricated from MYLAR and affixed using a self-contained adhesive, will be permitted to be used, provided that each label is in compliance with all of the provisions of Subpart B.

A. 7. Format.

a. The name and U.S. address of the manufacturer or importer; and

b. One of the following certification of compliance statements:

(1) "This (insert 'Boat' or 'Equipment') Complies With U.S. Coast Guard Safety Standards In Effect On (insert month and year of the date of certification);" or

(2) If the item being certified is a boat, the label may show the words, "This Boat Complies With U.S. Coast Guard Safety Standards In Effect On The Date of Certification." Most manufacturers use this format.

8. Date of Certification.

a. The boat is considered certified on the first day of the month shown in the HIN unless a later date is indicated on the certification plate. There is no requirement that the HIN date be the same as the date appearing on a certification plate.

b. The regulations for HIN's provide for both a date of certification and a model year. Therefore, the manufacturer can build a boat any time during the year and designate the model year which he wishes to use for that boat.

c. If the product is manufactured outside the United States, the certification information must be affixed no later than the date on which the product is imported into the United States. It can be affixed either by the foreign manufacturer or the importer.

9. Multiple Certification.

a. Most boats will need only one certification statement; however, there are occasions when more than one certification may be required. The particular conditions that would lead to multiple certification are:

(1) A product is completed to the stage that it can be marketed as a boat and is properly certified by its original builder.

(2) The boat is bought by another person who performs additional manufacturing operations on it before delivery is made to the first purchaser.

(3) The additional manufacturing is covered by a standard or affects the boat's ability to comply with standards.

(4) The additional manufacturing is not simply a reassembling of the product to the original manufacturer's directions. That is, it is not considered manufacturing to reassemble a boat which has been partially disassembled for shipping.

b. When these conditions are met, the additional certification may be made in writing on the work statement or on an invoice provided to the consumer. It advises the consumer that the additional work performed was done in accordance with the standards in effect at the time. The secondary manufacturer should be advised to keep copies of such documents.

10. Location. There are no requirements for a specific location for the certification label unless it is combined with a capacity label, and then it is subject to the location requirements applicable to capacity labels.

11. Private Label Merchandisers (PLM). The PLM practice is specifically recognized in the certification regulations. It allows substitution of the PLM name on the certification plate for the actual builder's name. Manufacturer responsibilities may not be imposed on PLM's as a result of this rule.

12. Partially Completed Boats. If a boat is completed to the stage that it can be marketed as a boat, (say, as determined by an impartial judge) then a proper certification label must be provided, as well as an

A.12. (cont'd) HIN and anything else applicable to "boats." On the other hand, if the product is sold in such a stage of completion that additional manufacturing must take place before it can be considered a boat (such as bare hulls or certain kits), then no certification is needed. However, in the latter case, the builder should be encouraged to certify in writing any work completed which falls under the standards.

13. Possible Violations.

a. Misleading Certifications. Standards prescribed in 33 CFR 183 have technical and engineering validity only for those boats (or, in future standards those items of associated equipment) specifically cited in the "Applicability" section of the regulations. 46 U.S.C. 4307(a)(2) prohibits the display of a label indicating or suggesting compliance with Federal safety standards when no standards apply or a product does not comply. A certification label displayed on a boat which is not subject to safety standards is misleading in that a buyer or user may think that the boat is safer than it actually is. Since such a label does not create a substantial risk of personal injury to the public, normally, the manufacturer should be directed to correct future production only.

B. HULL IDENTIFICATION NUMBERS (HIN's)

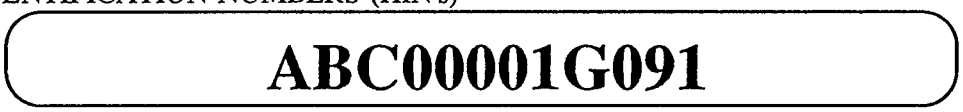


FIGURE 2 - HULL IDENTIFICATION NUMBER

1. Regulation reference. 33 CFR 181, Subparts A and C. See Table 1 - Summary of Label Requirements.

2. Purpose. To identify each boat uniquely and to identify its manufacturer and date of certification or construction.

3. When Required. The existing regulations became effective on 1 August 1984; however, a manufacturer could have voluntarily complied with this regulation on 1 January 1984.

4. Location.

a. The regulation states specifically where the two HIN's are to be located. The numbers must either be engraved on the hull or on a suitable plate which is then securely fastened to the hull:

(1) The primary hull identification number must be affixed -

(a) On boats with transoms, to the starboard outboard side of the transom within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.

(b) On boats without transoms or on boats on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one foot of the stern and within two inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest.

(c) On catamarans and pontoon boats which have readily replaceable hulls, to the aft crossbeam within one foot of the starboard hull attachment.

(d) On inflatables materials used vary from model to model and the use of multiple materials on the same craft sometimes prevents the proper location of the HINs due to the adhesive qualities of the label relative to the craft material. (For example, a vinyl HIN will bond well to vinyl but very poorly to fabric and other materials.) If an alternate location is needed (not in compliance with the CFR) the manufacturer should submit a Request for Exemption defining the alternate location, as described in Chapter 14.

B.4.a. (2) The duplicate hull identification number must be affixed in an unexposed location on the interior of the boat or beneath a fitting or item of hardware.

5. Who Affixes. Although the regulation specifically states that each builder of a "boat hull" must attach the HIN's, the Coast Guard has not defined "hull" and has not been concerned, in general, with who attaches the numbers. So long as all the other requirements for the HIN's are met, the specifics of attaching the numbers can be arranged to the mutual agreement of the parties involved (foreign manufacturer/importer, bare hull builder/finishing shop, etc.). If a disagreement occurs as to who attaches the HIN, then the person who completes the product to the stage at which it would be termed a "boat" is responsible.

6. Permanency. Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number must not be attached to parts of the boat that are removable.

   a. The words "otherwise permanently affixed" and "in such a way that alteration, removal, or replacement would be obvious and evident" are subject to interpretation by the courts. The Coast Guard considers these words to mean that ordinary and reasonable methods must be used which will allow the HIN to remain intact and legible for the useful life of the boat and in a way that would discourage anyone but a skilled boat thief from altering or removing the number. The present policy is to accept any reasonable means of affixing a number until such time as its performance indicates that it is not permanent. If future experience indicates that some methods of affixing numbers are not meeting the permanency requirements, then a defect notification could require manufacturers to refit their boats with new numbers. Therefore, manufacturers should be advised to take every precaution to insure permanency in affixing their HIN's. In working with manufacturers concerning this subject it should be made clear that we do not approve or authorize any particular attachment system. The responsibility for permanency is theirs.

   b. Methods which have been found to be unacceptable are:

      (1) Use of common "Dymo" marker tape, either stuck on the hull or riveted.

      (2) Use of individual characters so that individual characters can be removed and replaced.

      (3) Use of only screws, rivets or bolts to attach a plate.

7. Format. Each of the hull identification numbers must consist of twelve characters, uninterrupted by slashes, hyphens, or spaces, as follows:

   a. The first three characters must be a manufacturer identification code assigned under §181.31(a) or the importer designation assigned under §181.31(b).

   b. Characters four through eight must be a serial number assigned by the manufacturer in letters of the English alphabet, or Arabic numerals, or both, except the letters I, O, and Q.

   c. Characters nine and ten must indicate the month and year of certification when a date of certification is required. In all other cases characters nine and ten must indicate the date of manufacture, which can be no earlier than the date construction or assembly began and no later than the date the boat leaves the place of manufacture or assembly or is imported into the United States for the purposes of sale. Character nine, the month of manufacture, must be indicated using letters of the English alphabet. The first month of the year, January, must be designated by the letter "A," the second month, February, by the letter "B," and so on until the last month of the year, December, indicated by the letter "L." Character ten must be the last digit of the year of manufacture and must be an Arabic numeral.

   d. Characters eleven and twelve must indicate the model year using Arabic numerals for the last two numbers of the model year such as "88" for 1988 and "89" for 1989.

TABLE 1 - SUMMARY OF FEDERAL LABEL REQUIREMENTS OF CONCERN TO BOAT MANUFACTURERS

	HULL IDENT. NUMBER 181.21-181.25	CERTIFICATION 181.7-181.17	CAPACITY LABEL 181.21-181.27	FUEL TANK 183.514&183.552	FUEL HOSE 183.540	VENTILATION 183.610
REQUIRED FOR	All recreational boats Boat has transom: to starboard outboard side of transom within 2" of top of transom/gunwale /hull-deck joint, whichever is lowest. Boat lacks transom or impractical to use transom: to starboard outboard side of hull, aft, within 1' of stern and within 2" of top of hull side, gunwale or hull/deck joint, whichever is lowest. On catamarans and pontoon boats w/ readily replaceable hulls, to aft crossbeam within 1' of stbd hull attachment.*	All recreational boats subject to a standard in 33 CFR Part 183	Monohull boats less than 20 feet in length except sailboats, canoes, kayaks and inflatables	Boats with permanently installed gasoline engines for electrical generation, mechanical power or propulsion except outboards		Boats with permanently installed gasoline engine with a cranking motor in a compartment which is not open to the atmosphere
LOCATION		None specified by regulations	Where clearly visible to operator when boarding boat or getting boat underway	On tank and accessible for inspection if tank encased in plastic	At least every 12" on hose if possible - otherwise on tag attached to hose	In view of operator as close as possible to each ignition switch
HOW	Carved, burned, stamped, embossed or otherwise permanently affixed	Able to withstand exposure to water, salt spray, sun, heat, cold and expected wear			Permanent	None specified in regulations
MINIMUM CHARACTER SIZE	ONE-QUARTER INCH	ONE-EIGHTH INCH	USCG - 1/8" MAX CAP - 1/4" PC LBS - 1/8" PC PERS - 1/2" CAP INFO YELLOW AREA AT LEAST 4" WIDE	ONE-SIXTEENTH INCH	ONE-EIGHTH INCH	None specified by regulations
LANGUAGE FORMAT	12 CHARACTERS: 1-3 - MIC 4-8 - #s or Ltrs (except I,O,Q) 9 & 10 =date of cert or manuf. 9 =Ltrs A - L: A = JAN B=FEB C=MAR etc 10=0 for 1990, 1 for 1991, etc. 11 & 12 = model year 1990 = 90, 1991=91, 1992=92 etc.	"THIS BOAT COMPLIES WITH U.S. COAST GUARD SAFETY STANDARDS IN EFFECT ON (or insert actual date of cert.) THE DATE OF CERTIFICATION" and Manufacturer Name and U.S. Address	5 Formats - see 183.25	8 elements see 183.514	USCG Type A1 or USCG Type A2 or USCG Type B1 or USCG Type B2 and year made, mfr. name/reg. mark	WARNING – GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR AT LEAST 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS
DURABILITY	Such a way that alteration, removal or replacement is obvious and evident	Must show traces of alteration or removal of information	Must show obvious sign of alteration or removal of information	Show obvious sign of alteration or removal of information	None specified by regulations	

*A duplicate HIN must be affixed in an unexposed location on the interior of the boat

B.7. e. Each letter and number in the HIN must be at least one-quarter inch in height.

8. Possible Violations.

a. Some manufacturers have interpreted the regulations as requiring three distinct groups of characters.

Examples:

Hyphens: ABC-00000-H384
Vertical Slash: ABC/00000/D383
Blank Space: ABC 00000 F384

b. The above formats are not acceptable. If in use, the manufacturers are to be advised of the true intent of the regulations to have all characters consecutively run together, e.g., ABC00000H384, and advised to correct future production.

c. In all cases, additional characters after the HIN must be displayed as per 33 CFR 181.27: separated from the HIN by borders or on a separate label.

9. Manufacturer Identification Code (MIC). The wording of 33 CFR 181.31 has been construed to imply that manufacturer identification codes don't have to be obtained from the Commandant. This is incorrect; 33 CFR 181.25(a) clearly requires that the code be assigned by the Commandant. Specific procedures are contained in Appendix 8. These codes are issued to commercial importers and domestic manufacturers who produce pleasure boats for sale. Builders and importers of boats for their own personal use are not assigned but given a complete HIN under the procedures set up for backyard boatbuilders (see below). Private label merchandisers and foreign manufacturers should not be issued MIC's since these people are not subject to the requirements of a "manufacturer" as it is defined in 33 CFR 181.3. The Coast Guard considers the MIC as an indicator of who is responsible for a campaign, but others, such as engine manufacturers, may also be responsible.

10. PLM's and MIC's. Although PLM's are specifically authorized to place their name on the certification plate, the regulation for HIN's requires that manufacturers or importers attach the HIN. The regulation only says that those persons required to attach an HIN may request an ID code. Manufacturer ID codes will be issued, therefore, only to bona fide manufacturers or importers. The ID code will be utilized to indicate to the Coast Guard the party responsible for defect notification under 46 U.S.C. 4310 and thus shall be issued only to U.S. manufacturers or importers over which we have jurisdiction.

11. MIC and Companies which Change Ownership. Occasionally companies are purchased and renamed. A corporation is a legal entity which does not cease functioning with a change in its ownership. Therefore, it is responsible for its past production and a new MIC should not be issued when the ownership changes. On the other hand, if a corporation goes out of business and someone merely "buys" its name and manufacturing assets, then a new business is created. The new business is not obligated to take responsibility for the past production of the defunct corporation, and a new MIC should be issued. Proprietorships and partnerships end when their ownership changes and new owners are not obligated to take responsibility for past production. A new MIC should be issued and the old MIC placed on inactive. Acquisitions, mergers and consolidations should be discussed with Headquarters and handled on a case by case basis. The intent of these measures is to link the MIC more closely with the company legally responsible for recalling the boats which use that MIC.

12. Determining Business Status. There are no fixed rules in establishing a manufacturer's status. The "in business" and "out of business" codes used on form CG-5093 and which are reflected on subsequent computer printouts are the principal record of a manufacturer's business status. The appropriate code is usually based on a global impression by standards personnel, although sometimes the status can be more accurately determined through access to State corporation listings or tax data. If a business stops producing boats but still has the wherewithal to conduct defect notification or the tooling to begin producing boats again, it is usually worthwhile to visit the business from time to time, even if it is coded "out of business." Also, an out of business company may wish to remain on the BSC mailing list, even though they may be classified inactive on the MIC listing.

B. 13. Multi-Plant Companies. With regard to the assignment of manufacturer identification codes, it is important that the MIC listing show all factories for a given company. This makes the listing a usable tool in scheduling factory visits and it gives a more accurate picture of the scope of a company. However, the MIC computer program permits listing only one address for each MIC. Therefore, when only one code is listed for a company, the address must be for the corporate headquarters (usually the main plant). If additional plants exist, they may be shown in the printouts by assigning codes consisting of the first two letters of the basic code plus a number character. The additional plant codes will be cross-referenced under the basic code listing. By listing these additional codes, we do not intend to change any legal obligations of the parent company. In fact, the companies need not be advised of the existence of the additional plant codes. Since many people believe (incorrectly) that number characters are not allowed in the MIC, using these MIC's in actual HIN's on boats may create some problems. In general, we should encourage the use of a single MIC on all boats produced by the same company, in keeping with the legal concept that an entire corporation may be treated as a single living person.

14. HIN's for Sailboards.

a. Sailboards are not required to have HIN's. The Coast Guard has determined that sailboards should be treated in a manner similar to water sport items and that formal regulation of sailboards is not needed at this time. Manufacturers of sailboards are not prohibited from affixing HIN's if they so desire, but there will be no enforcement of the HIN regulation by the Coast Guard.

b. Imported sailboards do not need HIN's either. U.S. Customs is free, however, to classify sailboards as they see fit for the purposes of assessing duties or tariffs.

15. Certification.

a. 33 CFR 181.25(c) requires that characters nine and ten of the HIN represent the date of certification. On boats for which no certification is required because they are not subject to any standards, these characters represent the date of manufacture.

b. The appearance of more large companies which have factories located in several regions has pressed the issue as to how we are to treat these companies. Each company operates differently and it is to our advantage to recognize the degree of control exercised at each of the factories by the company headquarters. Some factories are virtually autonomous and prefer to handle all problems including recalls on their own. In other companies they insist that all communications with the Coast Guard be through their headquarters. We will comply with the desires of the company. This means that multi-plant companies must be treated on a case by case basis, with close contact between the OCMIs involved being essential. Fortunately, this involves only a small percentage of companies. Lacking prior experience with a company, we should assume that the company headquarters controls all the factories and we will start resolving problems by working with their headquarters. In all cases the local OCMI should arrange and conduct regular factory visits for the factories in their zone. The method of followup and defect investigation may vary, however. The issuance of MIC's in these cases can become confusing.

16. HIN Uniqueness. No person may assign the same hull identification number to more than one boat. Any group of characters may be repeated (the five digit serial number for example) as long as each boat is uniquely identifiable using all of the twelve digit HIN.

17. HIN Durability - Present policy is to accept any reasonable means of affixing a label/number until such time as its performance indicates it is not permanent. Manufacturers should be informed that if future experience indicates that some methods of affixing numbers/labels are not meeting the permanency requirements, then a defect notification could require them to refit their boats with new labels. Therefore manufacturers should be advised to take every precaution to insure permanency in affixing their labels. A cheap, skimpy method used now could cause them to be "penny wise and pound foolish" if they are ever required to retrofit large numbers of boats at their "sole cost and expense." In working with manufacturers concerning this subject it should be made clear that we do not approve or authorize any particular numbering/labeling system. The responsibility for permanency is theirs.

C. DISPLAY OF CAPACITY INFORMATION

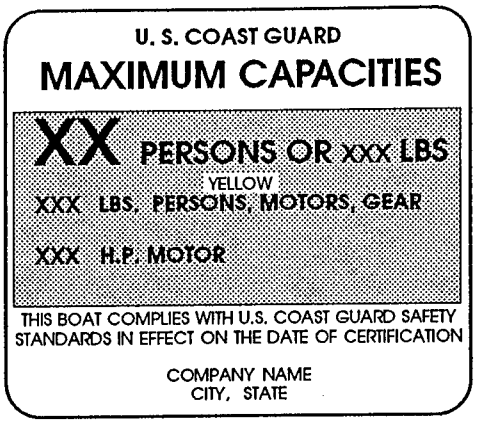


FIGURE 3 - COMBINED CAPACITY/CERTIFICATION LABEL

1. Regulation reference. 33 CFR 183, Subpart B

   See Table 1, Summary of Label Requirements

2. Purpose. To provide boaters with basic safe loading and powering information for their boats, for calm water conditions.

3. When Required. In effect, 46 U.S.C. 4307(a)(1) requires that the capacity marking be affixed before the boat is moved in interstate commerce, sold or offered for sale, or imported into the United States.

4. Location. The capacity label must be affixed in a location clearly visible to the operator when boarding the boat or getting the boat underway.

5. Who Affixes. Manufacturers of boats subject to the safe loading and safe powering standards must affix the U.S. Coast Guard Maximum Capacities label.

6. Permanency. Although the permanency requirements for capacity labels are not stated as rigidly as those for HIN's, the wording does require that these labels remain legible and intact for the useful life of the boat. Enforcement policy will be similar to that for HIN's.

7. Format. The Safe Loading Standard provides a method of determining persons capacity in terms of numbers of people, as well as pounds. As a result, the consumer doesn't need to deduct outboard motor, controls, battery and portable fuel tank weights from passenger weight in order to check for safe loading.

8. Validity of Values.

   a. The actual values which may be displayed on the Capacity Label for Maximum Horsepower, Weight, and Persons are determined by the Safe Powering and Safe Loading Standards. Subpart B does not specify whether the values must be those computed in accordance with the calculations and formulas in the standards. Subpart B establishes only the requirement to label, the format for the label, method of display, and construction of the label.

   b. In the past standards personnel have been concerned over the apparent discrepancies in the values displayed on the capacity labels on some of the boats they have examined. The posted values for maximum weight capacity, maximum number of persons, maximum persons capacity and maximum horsepower capacity do not necessarily have to be in agreement with each other. Likewise, the regulations do not prohibit a manufacturer from posting values which are (1) less than the actual maximum allowable values or (2) less than those which are calculated based on the physical measurements or the actual weight. For example, persons capacity is a value which is 90% of the maximum weight capacity in pounds less 25 pounds. The maximum weight calculated by these formulas is not required to be the value posted on the label.

C.8. c. The apparent incorrectness of the relationship of the values to one another, which are displayed on capacity labels, will not be the sole basis for the initiation of a noncompliance campaign.

d. Campaigns may be initiated for incorrectly labeled boats based upon either: (1) the results of a thorough investigation of the reasons for the apparent mismatching values or values which are in excess of those calculated by formula and measurement, including a review of the manufacturer's reasons for the values being used in the manner they were; or (2) compliance test results which indicate that the boat tested could not support the values posted on the boat or provided by the manufacturer. The compliance test report which indicates a failure of one boat of a model line to comply with applicable Federal standards is the basis for the initiation of a noncompliance campaign for all boats of the same configuration.

e. Due to the fact that the regulation does not specifically prohibit combining certification and capacity information into one label, the Coast Guard allows manufacturers the option of using a combined label. However, all such labels are required to follow the format guidelines listed here. These guidelines have been established to protect the intent of the regulations by providing for the prominence of the capacity information over all other information on the label. These combined displays shall meet the following guidelines:

(1) Certification information must be displayed below the required yellow area (see Figure 3) of the capacity label and letter size shall not exceed 1/4".

(2) The capacity information must be separated from all other information on the label by a prominent line or border

(3) The entire combined label must be mounted where it is visible to the operator when boarding the boat or getting the boat underway.

9. Display of Non-Coast Guard Capacity Information. Manufacturers may display manufacturer capacity information on boats not subject to standards provided that the capacity information is not identified as "U.S. Coast Guard Capacity Information" and there is a proper distinction made for capacity information which is required by regulation and that which is displayed voluntarily by the manufacturer.

10. Possible Violations. The wording of the capacity label must be exactly the same as required by the regulation, except that the abbreviations "H.P." and "lbs." may be used. The substitution of the words "U.S. Capacities" for "U.S. Coast Guard Maximum Capacities," for example, is an instance of noncompliance.

11. Capacity Label Durability - Present policy is to accept any reasonable means of affixing a label/ number until such time as its performance indicates it is not permanent. Manufacturers should be informed that if future experience indicates that some methods of affixing numbers/labels are not meeting the permanency requirements, then a defect notification could require them to refit their boats with new labels. Therefore manufacturers should be advised to take every precaution to insure permanency in affixing their labels. A cheap, skimpy method used now could cause them to be "penny wise and pound foolish" if they are ever required to retrofit large numbers of boats at their "sole cost and expense." In working with manufacturers concerning this subject it should be made clear that we do not approve or authorize any particular numbering/labeling system. The responsibility for permanency is theirs.

CHAPTER 3 -- STANDARDS FOR BOATS LESS THAN 20 FEET IN LENGTH

A. SAFE LOADING

1. Regulation reference. 33 CFR 183, Subpart C

2. Purpose. To calculate a maximum persons capacity in pounds and number of persons and a maximum weight capacity (persons, motor and gear) for monohull boats less than 20 feet in length; for display on the U.S. Coast Guard Maximum Capacities Label.

3. General. Maximum weight capacity is a function of a boat's load carrying ability when stopped and in calm water. Maximum persons capacity may be either a function of the maximum weight capacity or of the boat's stability. The stability of smaller boats controls their maximum persons capacity, but as boat size increases, such a high degree of static stability becomes available that the maximum weight capacity takes over as the controlling factor. Very low powered boats of 2 HP or less are not concerned with the stability test at all but are given an arbitrary persons capacity which is related to the maximum weight capacity. The stability tests which are discussed in this standard are performed with the boat floating normally and must not be confused with the swamped stability tests of the Flotation Standard, Subparts G and H.

4. Determining Compliance. Safe Loading is one of the performance oriented standards which introduces some intangibles into the compliance monitoring process. OCMI personnel are not expected to perform sophisticated testing to determine compliance with this standard. Suspect boats should be recommended to Headquarters for compliance testing by a contract laboratory. Manufacturer-supplied data for maximum displacement and boat weight can be checked through the appropriate formula and the results compared to the value stated on the label. The same can be done with manufacturer-supplied stability test data for the value of weight added. However, unless these data can be verified by actually viewing the testing or weighing, it is usually better to rely on the experience and instinct of the compliance monitor, taking into account known capacities of similar boats. Three formulas have been developed from known boat data to help estimate the maximum weight capacity of boats. These are given in the Composite Compliance Checklist (see Appendix 6) and utilize very basic boat measurements for inputs.

5. Understanding Maximum Weight Capacity and Maximum Persons Capacity.

   a. To help understand the requirements for maximum weight capacity and maximum persons capacity, it is useful to look at how they perform compliance testing for these values at the compliance test laboratories.

      (1) For Outboard Motorboats Less Than 20 Feet.

         (a) To test a boat for Maximum Weight Capacity the value on the capacity label is multiplied by 5. With the boat floating, water must not come over the gunwales when this much weight is placed in the boat.

         (b) To test for Maximum Persons Capacity the value (in pounds) on the capacity label is multiplied by 0.6. Water should not come over the gunwales when this much weight is loaded at one edge of the cockpit and weights to simulate motor, controls, battery and portable fuel tank (Column 6 of Table 4) are in their normal positions.

         (c) The Maximum Weight Capacity must not exceed the total of the Maximum Persons Capacity and the weight of the motor, controls, battery and full portable fuel tank.

      (2) For Inboard Motorboats Less Than 20 Feet.

         (a) To test a boat for Maximum Weight Capacity the value on the capacity label is multiplied by 7. With the boat floating, water must not come over the gunwales when this much weight is loaded into the boat.

A.5.(2)

(b) To test for Maximum Persons Capacity the value (in pounds) on the capacity label is multiplied by 0.6. Water should not come over the gunwale when this much weight is loaded at one edge of the cockpit. No weights are used to simulate the weight of the motor, controls, battery or full portable fuel tank.

(c) The Maximum Persons Capacity may equal the Maximum Weight Capacity.

(3) For Manually Propelled and Boats Rated for 2 HP or Less.

(a) To test a boat for Maximum Weight Capacity the value on the capacity label is multiplied by 3.33. With the boat floating, water must not come over the gunwales when this much weight is loaded into the boat.

(b) The Maximum Persons Capacity for Manually Propelled Boats is 0.9 times the Maximum Weight Capacity.

(c) The Maximum Persons Capacity for Boats Rated For 2 Horsepower or Less is 0.9 times the Maximum Weight Capacity minus 25 pounds.

(d) The Maximum Persons Capacity on either Manually Propelled Boats or those rated for 2 HP or Less may not equal the Maximum Weight Capacity.

6. Effect of Accessories on Stated Capacity. Some boats are sold with accessories which may alter the capacity which they are permitted to display. For example, a boat may have a remote steering console as an option which would change the allowable horsepower, or pedestal seats and storage boxes which are offered as permanently installed options which would change the maximum load capacity when installed. How is the manufacturer to handle such a situation? In this case the boat manufacturer can do one of two things: (1) he can label the boat for the "worst case" situation, i.e., the lowest capacity ratings, or (2) the manufacturer could call the boat with options a different model and label it with ratings different from those displayed on the bare boat model.

B. SAFE POWERING

1. Regulation reference. 33 CFR 183, Subpart D

2. Purpose. To determine a maximum safe horsepower capacity value for outboard powered boats less than 20 feet in length; for display on the U.S. Coast Guard Maximum Capacities label.

3. General.

a. The calculation method in the standard for maximum horsepower was taken from a voluntary industry standard which was used in the United States for a number of years. The voluntary standard was developed from testing by average drivers and common boats of the time. In the present regulation the horsepower capacity is a function of boat length and transom width for smaller boats. For larger boats, the same two dimensions are used with provisions for transom height, remote steering, and flat-bottom, hard chine construction.

b. The test course method in the Safe Powering Standard was also taken from a voluntary industry standard and was adopted as an option for small outboard runabouts less than 13 feet in length. These boats usually rated lower maximum horsepower capacities under the calculation method. Other qualifying criteria include:

(1) Minimum 19 inch transom height, or, motorwell height;
(2) Maximum horsepower not to exceed 40; and
(3) Maximum Persons Capacity of two or fewer persons; and
(4) Remote wheel steering.

4. Regulation Misinterpretation. Manufacturers can misinterpret 33 CFR 183.53(c) to mean that values of 3 or 7 1/2 horsepower extracted from the upper portion of the table may be raised to the next multiple of 5, i.e., 5 and 10 horsepower respectively. The intent of the regulation is that manufacturers raise only horsepower values computed in the bottom portion of the table to the next multiple of 5.

B. 5. Compliance Monitoring.

a. Calculation method: It is relatively easy to check boats, using the computation method for horsepower by measuring length and transom width.

b. Test Method: A boat rated using the test course method for determining maximum horsepower will include the following statement on the certification label:

"THIS BOAT IS INTENDED FOR RACING AND OTHER HIGH PERFORMANCE ACTIVITIES. THE SKILL REQUIRED MAY EXCEED THE ABILITIES OF SOME OPERATORS."

c. The most obvious failure of compliance for a boat bearing the above statement on its certification label is a maximum horsepower capacity in excess of 40. Otherwise, we can only monitor compliance of boats bearing the above statement and a maximum horsepower capacity of 40 or less by product testing. However, during factory inspections ask to see the documentation, affidavits, or engineering reports indicating that the manufacturer actually performed the powering tests.(See Chapter 13.)

6. Measurements.

a. A portion of the test procedure is reprinted as Figures 6 and 7 to illustrate the correct method of measuring L, W, and transom height for boats displaying a maximum horsepower calculated when using the calculation method. L and W are measured in feet and hundredths, transom height in inches. Because there is a +/- 1" tolerance given to the "20 inch transom" rule, the boat will qualify as having a 20" transom if the measurements show it is 19" or greater.

b. Figure 4 illustrates the correct method for measuring transom height and motorwell height for boats displaying a maximum horsepower determined using the test method.

8. Liability for Overpowering.

a. The horsepower regulation sets the maximum horsepower that the manufacturer may display on the capacity label. This safety information is for the use of the owner or operator in matching a suitable outboard engine to the boat. The regulation does not limit a dealer or an owner to the horsepower on the capacity plate. Dealers or owners should be warned that State or local water authorities may have more restrictive rules which require compliance with the capacity plate limits. Many insurance companies do not issue policies or honor claims that involve an "overpowered" boat. "Overpowering" is also used as evidence of willful negligence in injury lawsuits.

b. You may use portions of the preceding paragraph to answer questions about overpowering. In addition, it is also appropriate to suggest to dealers that they act only after obtaining proper legal advice concerning the probable impact of overpowering.

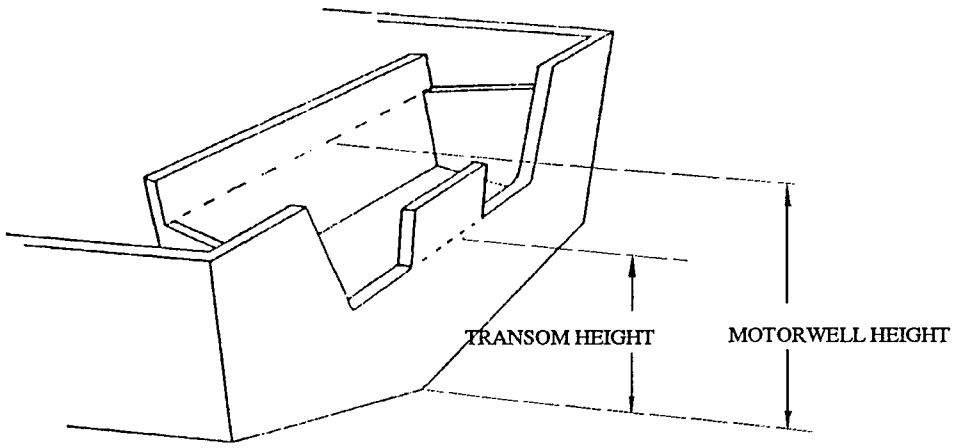


FIGURE 4 - MEASUREMENT OF TRANSOM HEIGHT AND MOTORWELL HEIGHT

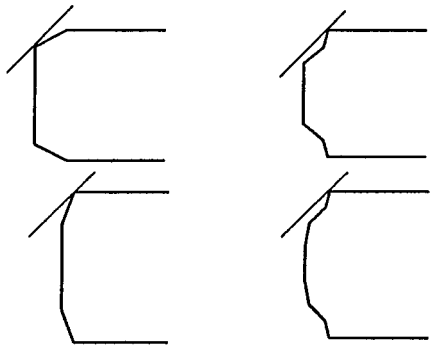
B. 9. Theoretical vs. Usable Horsepower. The maximum horsepower rating used in the standard is that produced at the powerhead under the manufacturer's test conditions. Factors such as the altitude at which the motor is used, the type of propeller and the trim and type of lower unit (some jet drives are in use) will certainly affect the usable horsepower. However, the manufacturer may not increase label capacity to offset these power losses. Headquarters has granted exemptions to manufacturers of boats powered by outboards equipped with jet pumps in lieu of propellers. The label required by these exemptions states that when powered by an outboard jet pump the maximum horsepower capacity is 1.3 times the maximum horsepower displayed on the capacity label.

10. Definition of "Flat Bottom Boats".

a. In calculating horsepower ratings we have received questions about the definition of "Flat Bottom, Hard Chine." The intent of the regulation was to restrict john boats which are very flat bottomed boats with hard chines.

b. For the purposes of calculating the maximum horsepower capacity under Subpart D, a boat is not considered "flat bottom, hard chine" if the bottom of the hull contains any compound curvatures or deadrise at the midship section. A rounded or modified chine or deadrise is sufficient to qualify the boat for the higher horsepower rating.

The 45 Degree Rule as it applies to location of the boundaries of the boat for the determination of the maximum weight capacity is included in the definitions in Section 183.5 and is illustrated at the end of Subpart H of the Flotation Standard. Under this rule, a surface is considered a deck if it makes an angle of less than 45 degrees with the horizontal and a side if it makes an angle of 45 degrees or greater. The principles of the 45 degree rule can also be used to determine transom width on boats on which the outboard extremities of the transom intersect the hull side plane in the form of complicated surfaces such as compound curves.



FORTY-FIVE DEGREE RULE

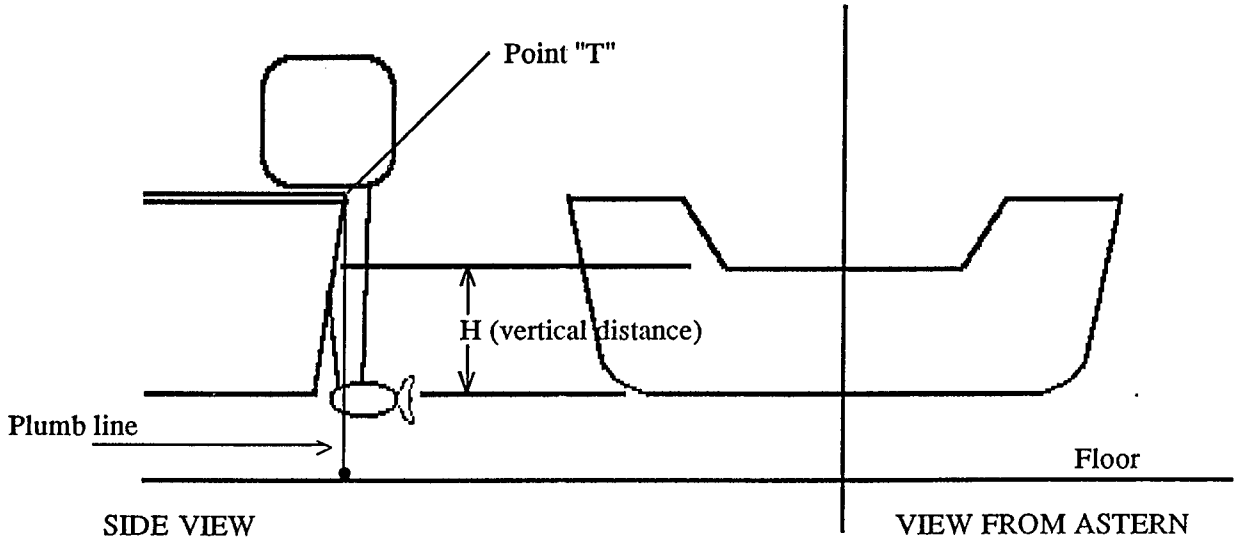
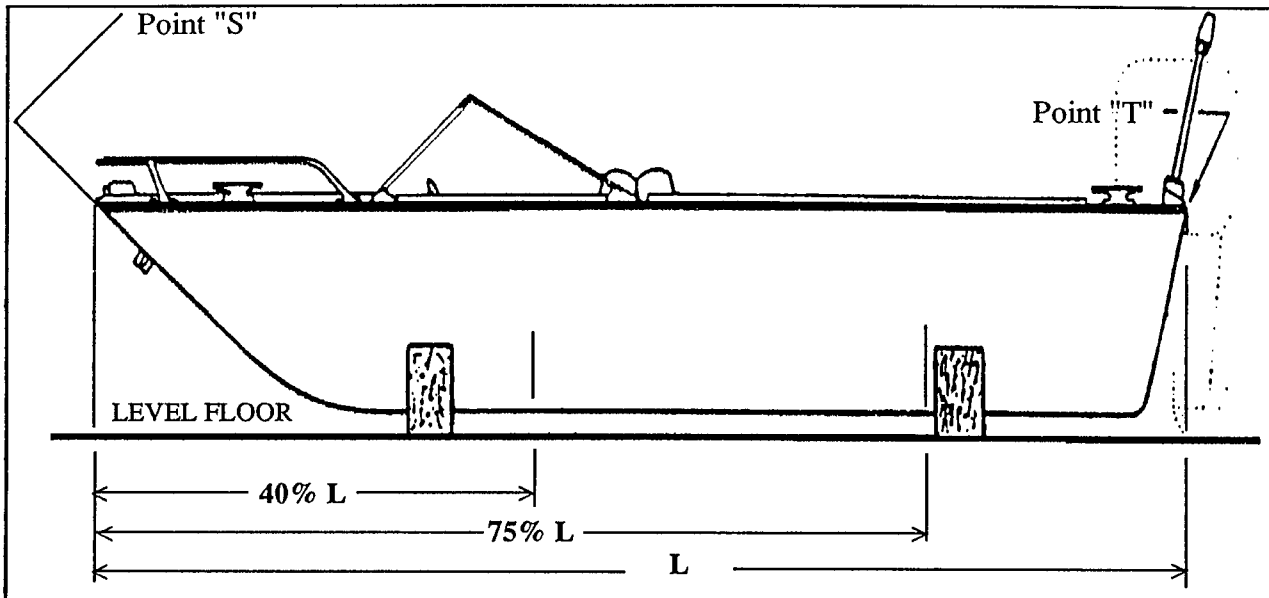
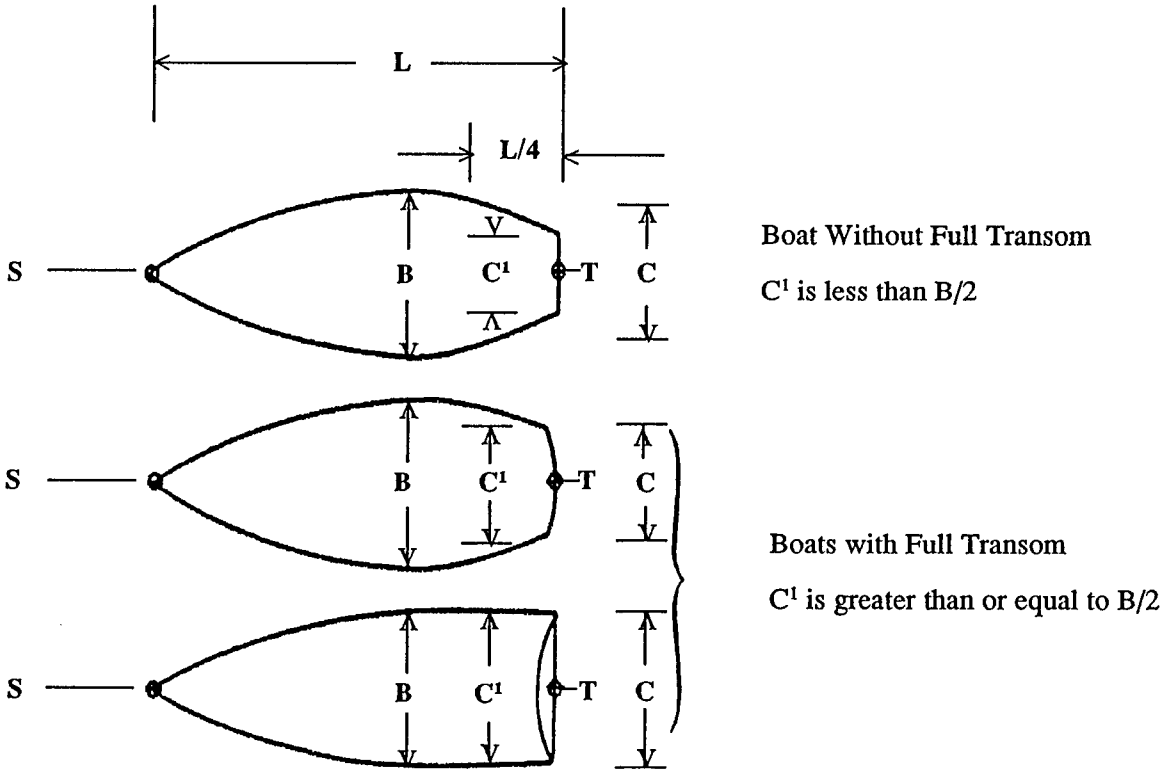


FIGURE 5 - BOAT SETUP FOR MEASUREMENT OF TRANSOM HEIGHT



Location of Points "S" and "T" and

Determination of Boat Length (L)



Boat Without Full Transom

C^1 is less than B/2

Boats with Full Transom

C^1 is greater than or equal to B/2

(As Viewed from Bottom)

Determination of Transom Type

FIGURE 6 - MEASUREMENT OF BOAT LENGTH AND TRANSOM WIDTH

C. FLOTATION

1. Regulation reference. 33 CFR 183, Subparts F, G, and H.

2. Purpose. To provide a suitable platform for the rescue of a boat's occupants in the event of capsizing or swamping and in some cases, to reduce deaths due to hypothermia.

3. General. The Flotation Standard is designed to require the installation of enough flotation in a boat to support the weight of the boat, its machinery and a certain percentage of the weight it is rated to carry when the boat is swamped. The validity of the values stated on the capacity information label is not a concern in determining the amount of weight the swamped boat must support. Weights which are submerged during the test must have their values adjusted so that they provide the required downward force when submerged. Figure 8 points out the major differences between the various flotation subparts.

4. Methods For Determining Compliance. The surest method to use in checking for compliance with the Flotation Standard is to actually swamp the complete boat and load it with required weights. Subpart F requires only enough flotation to keep some portion of the boat above the surface of the water. Subparts G and H require manufacturers to design certain boats so that they float in an approximately level attitude when swamped. To meet the requirements of Subparts G and H, the manufacturer must place adequate flotation toward the sides/gunwales and stern area to support a certain percentage of the rated persons capacity, the weight of the engine and related equipment and provide the necessary stability. Standards personnel should use their experience as the primary gauge in recommending boats for compliance testing. The Flotation Compliance Guideline outlines a calculation method designed to meet the requirements of Subparts G and H, and standards personnel can use this method for "ballpark" checks; however, we will use testing to make the final determination of compliance.

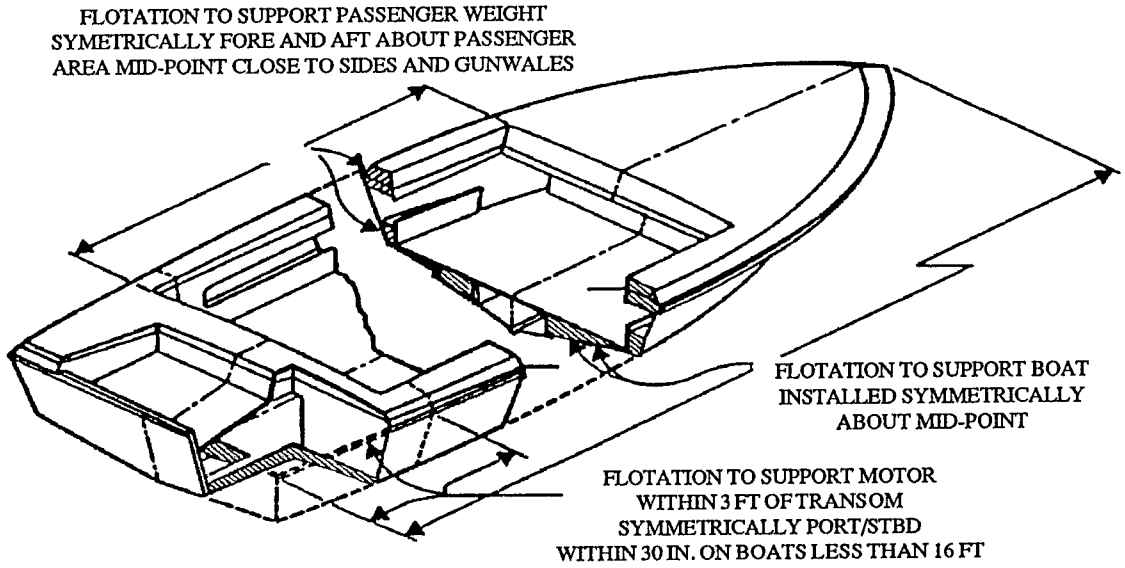


FIGURE 7 - LOCATION OF LEVEL FLOTATION MATERIAL

5. General Requirements of Flotation Materials. The manufacturer must install flotation material in such a manner that it is fully effective when the boat is flooded or capsized. For instance, if seats are used for flotation the manufacturer must rigidly attach them to the hull, since there are considerable forces on the seats with the boat swamped. Likewise, the manufacturer must protect air bags from puncture or prevent them from floating out of place.

C. 6. Air Chambers.

a. Except as allowed in Subpart H, air chambers which are used for flotation may not be an integral part of the hull. In other words, the manufacturer may not use a side of an air chamber as an integral part of the boat hull. As a result, a puncture to the hull will not penetrate into an air chamber and reduce or eliminate its ability to provide flotation. Currently, there is no special limitation on the type of material which a builder can use for an air chamber except that it must withstand the same environmental exposure other flotation materials must withstand. The air chamber must also maintain a water-tight seal when submerged in water.

b. Nothing in the regulations prohibits the presence of air chambers (integral or non-integral) in outboard boats rated for motors larger than two horsepower or inboards, inboard/outboards and airboats. However, they may not be used to comply with the Flotation Standard. As a precondition to the flotation tests, water must flood the two largest air chambers and all air chambers integral with the hull.

7. Foams.

a. The Flotation Compliance Guideline discusses the characteristics of most foams used in boatbuilding. The builder may only use certain types of foam in specific areas of the boat. While the main concern is to prevent deterioration of the foam from exposure to hydrocarbons and alkalis, the builder must also consider the effects of sunlight, vibration, shock, and temperature variation. The amendment published 4 December 1978 deleted a previous regulatory requirement for flotation materials to withstand these latter effects. The Coast Guard and the industry could not agree upon adequate tests and there were no widespread problems.

TABLE 2 - COMPARISON OF FLOTATION REQUIREMENTS

SUBPART	FOR BOATS BUILT AFTER	BOAT TYPE	PRESOAK PERIOD	PERCENT OF MPC FLOTATION TO SUPPORT	SWAMPED ATTITUDE LIMITS	AIR CHAMBERS
F	31 JULY 78	MONOHULL I/Bs, I/Os AND AIRBOATS LESS THAN 20 FEET	NONE	2/15	ANY PORTION ABOVE THE SURFACE OF THE WATER	FILL 2 LARGEST AND ANY INTEGRAL WITH HULL
G	31 JULY 78	MONOHULL O/BS LESS THAN 20 FT RATED FOR MORE THAN 2 HP	18 HOURS	50 PERCENT OF FIRST 550 LBS PERSONS CAPACITY PLUS 12.5% REMAINING MPC	SEE 183.225, 183.230 183.235	FILL 2 LARGEST AND ANY INTEGRAL WITH HULL
H	31 JULY 78	MONOHULL O/Bs 2HP or LESS & MANUAL PROPULSION	18 HOURS	2/15	SEE 183.325, 183.330 183.335	ALL AIR CHAMBERS MAY BE USED FOR FLOTATION

After July 31, 1973 and before August 1, 1978 Subpart E applied to all monohull boats less than 20 feet except sailboats, canoes, kayaks and inflatables. Subpart E required flotation to support 2/15 of MPC and an attitude of any portion of the hull above surface of the water.

C.7. b. Where the durability of the foam on a particular model boat is in question, handle it as a safety defect. Polyurethane foam which is foamed in place in the boat is frequently waterlogged after a few years use. Encourage manufacturers to perform long term soak tests in water and to carefully control the formulation of polyurethane foams, because a defect campaign to replace bad foam would be disastrous for most boat companies.

8. Clarification of 183.230. The interpretation of this section of the regulations is that the manufacturer must place dead weight so that its center of gravity is anywhere within the "shaded area" during the preconditioning described in 183.220(c). Once this is done, however, the dead weight must remain in the same location throughout the rest of the flotation and stability tests. This means that the manufacturer may locate dead weight so as to counter-balance a part of the boat structure such as an off-center steering console, but cannot use it to counter-balance the weights moved to represent the live load.

9. Flotation Noncompliance Evidenced by Sinking. Any boat which is required to have flotation, and which sinks, i.e., becomes completely submerged, is automatically considered not in compliance. Commandant (GNAB-6) may then require the manufacturer to go Defect Notification without further testing, provided: (a) we are confident (and can state) that the boat was not overloaded or overpowered at the time of sinking and (b) the boat is not more than five years old.

CHAPTER 4 -- ELECTRICAL AND FUEL SYSTEMS STANDARDS

A. GENERAL

1. Regulation reference. 33 CFR 183, Subparts I and J

2. Purpose. To prevent fires and explosions on board gasoline-powered pleasure boats, and to provide sufficient fuel system integrity to aid in controlling fires in the early stages.

3. Compliance Monitoring Techniques. Place most emphasis in monitoring compliance with the fuel and electrical regulations on these techniques:

   a. Check for certification by the boat builder. Since certification is inescapably the responsibility of the boat builder, most boat builders will make some efforts to comply before they place the certification statement on their product.

   b. Check for prima facie evidence that the components installed in the boat were manufactured to meet the requirements of the regulation. Take purchasing documents wherein the builder requires a component supplier to meet certain portions of the standard, as evidence that the boat builder is constructing that portion of the boat to the standard, in the absence of any information to the contrary.

   c. Similarly, take component labels which indicate that a product is designed for marine use, and listings, by either the Coast Guard or independent testing facilities, as prima facie evidence of compliance.

   d. Select a small number of items on each boat for very careful scrutiny while giving a more cursory examination to other portions of the boat, as time allows. The regulations are too extensive to permit close scrutiny of all elements of all boats. Standards personnel are to decide what areas need the most emphasis.

   e. Encourage component builders to test their products and document their results so they can give some assurance to boat manufacturers that the component is designed and built to meet the standards. Encourage boat builders to maintain files of documentation attesting to the compliance of all components subject to the regulations.

4. Tools. The apparatus necessary for each examination is given in the test procedure. For the more extensive examinations, you will need to line up the tools/materials in advance; however, the equipment which is necessary is not particularly difficult to obtain. For day-to-day visits where no extensive examinations are anticipated, the following devices are frequently useful, in addition to coveralls, clipboard and reference materials:

   a. pocket knife
   b. tape measure
   c. small flashlight
   d. wire gauge (measures in mils)
   e. magnet
   f. pliers
   g. small plumb bob and string
   h. small level
   i. 3/4" diameter sphere with handle
   j. screwdriver
   k. dental mirror with extension handle
   l. small fish weight scale

A. 5. When Guidance is Lacking. Frequently, standards personnel are called upon to give the manufacturer some assurance that a particular construction method meets the requirements of the regulation. Coast Guard "approval" should never be implied. However, standards personnel must decide whether a particular installation is acceptable. Particular cases of concern are those in which the regulations do not specify various manufacturing processes or where no test requirement is specified and no other form of guidance was provided. The situation will usually lend itself to subjective judgment, such as Sections 420(g), 440(b), 445(a) and (c), 514(d), 520(b)(1), 530(a) and (b), 532(a)(1), 550(e), 552(a), 554, and 560(d) of 33 CFR 183. In these cases, standards personnel shall advise the manufacturer whether they feel the installation meets the intent of the regulation and then consult Headquarters. If your decision was wide of the mark you may have to call the manufacturer to retract it.

6. Recall Engine Noncompliance. The Fuel and Electrical Regulations apply to the boat. However, in practical terms the engine builder/marinizer must provide the boat builder with an engine which meets such requirements. Since these regulations are based on a safety need and the engine-related requirements are an essential part of the regulation, a noncomplying engine inherently causes a safety related defect. Engines are designated as associated equipment to which 46 U.S.C. 4310 (Defect Notification) applies. Any engine offered for sale or sold with a noncompliance is considered defective and we will invoke 46 U.S.C. 4310.

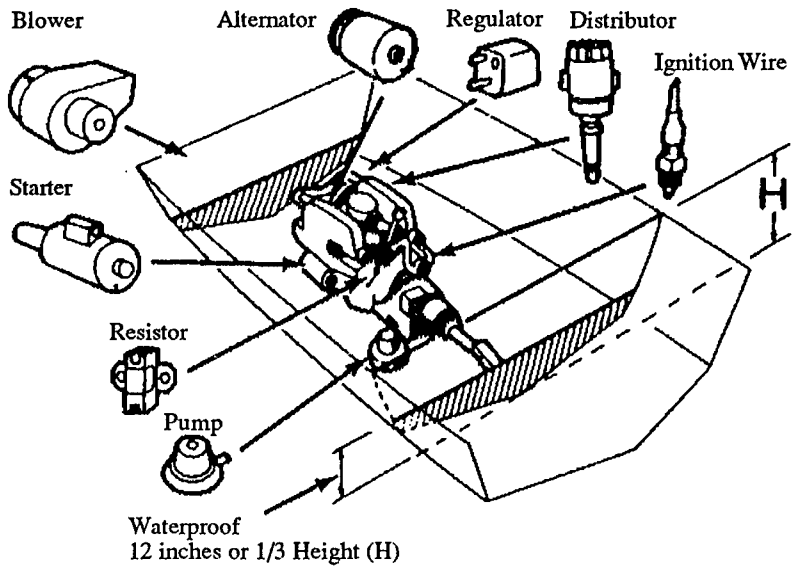
B. ELECTRICAL SYSTEMS

1. Definition of Sheathing.

a. What constitutes an acceptable sheath? See the definition provided in 183.402(h). The intent of the sheathing requirement is to provide additional protection for the conductors from physical damage. An acceptable sheath is any non-conductive covering, in addition to the normal conductor insulation, installed in such a manner that the conductor(s) are not visible.

b. Examples: Electrical tape overlapped so as not to expose the conductors; basketweave; corrugated slit plastic tubing -- providing it is tied to prevent opening; and spiral looms.

2. MSD Ignition Protection. Does an MSD placed in a non-isolated area meet the ignition protection requirements of the electrical regulations? The ignition prevention test described in 33 CFR 159.129 exceeds the requirement for ignition protection described in 33 CFR 183.410. Thus, if an MSD complies with 159.129, it complies with 183.410. The opposite is not necessarily true, however.



Devices Which Must Be Sealed or Have a Flame Screen

Circuit Breaker
Distributor
Coil
Voltage Regulator
Starter
Solenoid
Alternator/Generator
Tilt/Trim Pump
Bilge Pump
Ventilation Blower Motor
Any auxiliary electrical device in fuel or engine compartment

The shaded areas represent isolation bulkheads which may also be required if an adjacent compartment contains an electrical component that is not ignition-protected.

FIGURE 8 - IGNITION PROTECTION - 183.410

A. 3. Pump Ignition Protection.

a. Example. Is a submersible pump which passes the sealed water test considered isolated by watertight bulkheads as specified in 183.410(b), and would it then not have to be ignition protected?

b. The casing around a component does not meet the requirement for bulkheads as they are used in the regulations. However, a product which passes the sealed water test will pass the ignition protection test.

4. Household Appliances on Boats.

a. Household appliances used on boats include refrigerators, stoves, water heaters, space heaters and mixers. These are manufactured in large numbers for the home and recreational market. They often do not comply with the electrical regulations for overcurrent protection, terminations and wirenuts; however, in most instances, these appliances are not available through normal channels with wiring that meets Coast Guard requirements. It is unnecessarily expensive for the boat builder to convert them.

b. The greatest danger of explosion and fire is immediately after refueling. During this time, gas vapors accumulate and a spark from poorly installed appliances can easily ignite gas vapors. Therefore, all electrical equipment must pass the ignition protection requirements. This means that although builders do not have to open and rewire appliances on a boat, if they are installed in an engine room or fuel compartment (refrigerator or freezer, for example), they must pass the ignition protection test found in 33 CFR 183.410. Domestic appliances of the types listed below are not required to comply with the requirements of Subpart I - Electrical Systems, except for Section 183.410 - Ignition Protection. Wiring which is installed by the boat builder that leads to or from these appliances must comply with the requirements of Subpart I. Headquarters will change this policy if accident reports or consumer complaints indicate a need for more complete enforcement. The following appliances are covered by this policy statement:

Stoves and ovens	Compactors
Refrigerators	Disposals
Freezers	Radios and TVs
Water heaters	Vacuum cleaners
Mixers and blenders	Space heaters
Dishwashers	Portable appliances

5. Non-ignition Protected Components in the Engine Room.

a. How are the ignition protection requirements applied in a case where non-ignition protected electrical components are mounted on the upper face of a center console cabinet which also serves as the engine box, when a partition is provided (although not fume tight) between the electrical components and the lower portion of the box? Could 183.410(b)(2)(ii) apply and is the partition considered a "deck or other enclosure?"

b. In applying the term "fuel source" from the regulation we make an assumption that fuel vapors extend throughout the limits of the engine room. In doing so we usually err somewhat on the side of safety; however, we believe this is a reasonable assumption, in the absence of test data for a particular installation which refutes this assumption. In effect, then, 183.410(b)(2)(ii) cannot apply to engine rooms since all electrical components installed therein are considered immersed in fuel vapors. In this case, the quality of the partition determines whether it is considered a limit of the engine room or a "means ... to prevent ... fuel vapors ... from becoming exposed to the electrical component," as required by 183.410(b)(2)(i). Although determinations of noncompliance under 183.410 are difficult, the regulation serves as a basis for discussing various installations with the builders, thereby effecting safety improvements.

B. 6. Enclosure Definition. The term "enclosure," as used in electrical system regulations, has two different meanings:

a. In Paragraph 183.410(b)(2)(ii), "enclosure" is used as a general term to describe engine boxes, engine compartment hatch covers, and other similar engine compartment boundaries. These "enclosures" do not have to meet any measures of "tightness and physical size limitations." Generally, the space between these "enclosures" and electrical components in question is open to the atmosphere because of the design configurations of the type of boats where the isolation criteria of 183.410(b)(2)(ii) would apply. Such an enclosure is not installed inside an engine room in order to subdivide the engine room into areas where an ignition source is permitted.

b. The second use of "enclosure" in Section 183.450 is meant to include items such as panel boxes, electrical component housings, and potted electrical components with external pigtails or terminals. Again, there is no degree of tightness or size. This section allows exceptions to terminations that are "enclosures" because the terminations are not physically exposed to possible damage and they are generally restrained by other means in addition to the termination itself.

7. Ventilation of Batteries.

a. The regulation requires a means of venting hydrogen gas discharged by a battery. In order to meet the requirements of 183.420(a) (securing of batteries) and 183.420(b) (protection of the ungrounded terminal), it is common practice to install battery boxes. The only regulation presently in effect concerning ventilation does not address battery compartments or boxes.

b. The venting of hydrogen gas does not require a ventilation system per se (ducts, blowers, etc.). As long as the gas can escape the compartment, the installation meets the intent of 183.420(e). Engine compartments are generally considered open enough so as to prevent the collection of hydrogen gas. Required ventilation systems on boats with engine compartments, engine air intakes, normal holes, gaps, and loose fitting hatch covers create sufficient air flow and escape ports for hydrogen gas to dissipate adequately. Similarly, holes located in the top of a battery box would prevent hydrogen gas from accumulating in the box.

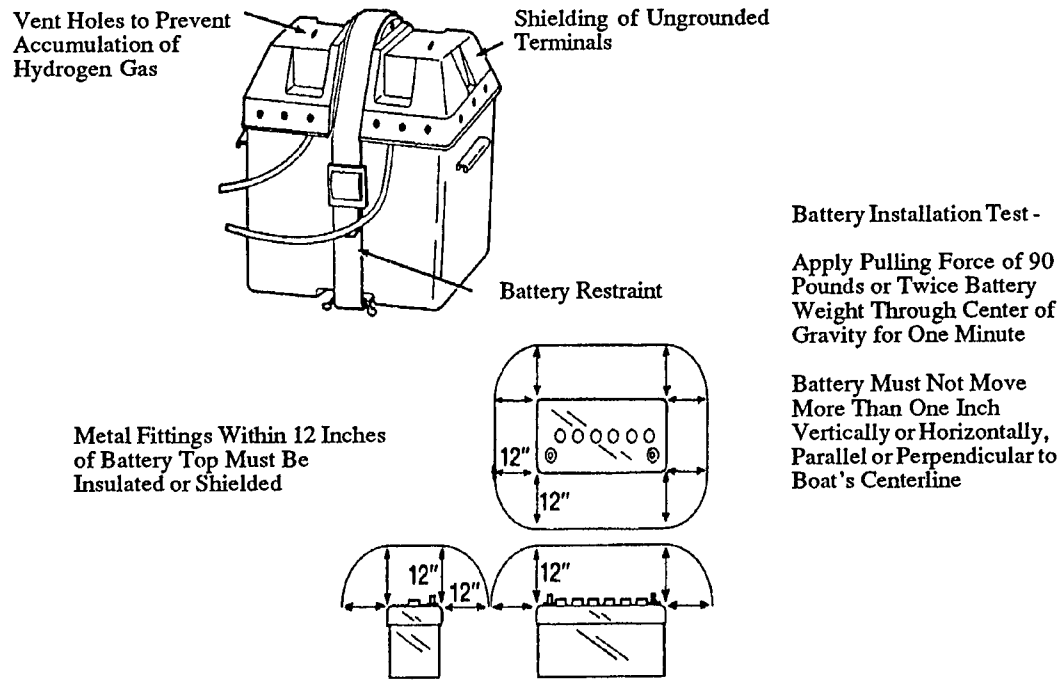


FIGURE 9 - BATTERIES - 183.420

B.7. c. The use of sealed, maintenance-free batteries is an acceptable alternative to installation of the battery in a well-ventilated area; however, all maintenance-free batteries are not totally sealed. Some have a small hole for hydrogen to escape. The builder must use caution. In addition, if a builder does not ventilate the battery area, the company should label that area "FOR USE ONLY WITH FULLY SEALED MAINTENANCE-FREE BATTERIES" so that a boat owner who changes batteries is sure to use a correct type.

8. Buss Bars, Grounding Systems. A manufacturer of wiring harnesses wanted to know if the stranding requirement applied to all current carrying conductors other than those specifically exempted by 183.425(g). In particular, the question was whether buss bars were prohibited. A solid brass or copper buss bar is acceptable and does not have to meet stranding and insulation requirements of Sections 183.425, 183.430, and 183.435. Paragraph 183.425(a) is intended to apply to conductors that are commonly referred to as wires, cables, etc., and not devices such as buss bars that are also used to conduct electricity.

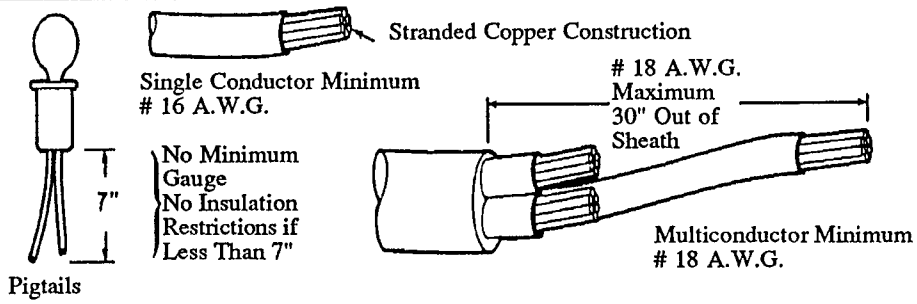


FIGURE 10 - WIRING - 183.425

9. Conductor Size. The Electrical System Compliance Guideline gives some examples of wire size calculations for wires in bundles. The example chosen is misleading because it uses five (5) current carrying conductors over fifty volts. One would not usually expect to find an odd number of conductors in an AC circuit, although it is possible. Although 120 volt AC circuits are generally polarized (one "hot" conductor and one natural conductor) the builder must include both conductors in the bundling and wire size calculations. Only the green grounding wire is not considered.

10. Adequacy of Enclosures Under 183.450. There are no requirements in the Electrical Standard covering the degree of tightness, the placement, or the types of materials for "enclosures" or "junction boxes" as used in Section 183.450. The intent is that any device used to confine electrical circuitry connections, junctions, terminations, and electrical components and which has all of its sides closed, is considered an acceptable "junction box" or "enclosure." This definition is meant to include electrical panels, fuse or breaker boxes, electrical control devices, most appliances, ceiling and wall fixture junction boxes, and electrical equipment such as radio sets, etc. Dead fronts on breaker panels, etc., are not required, but are a good engineering practice.

11. Application of Electrical Regulations to Certain Types of Engine Wiring. As a result of inspections of many different engine packages, the following are compliance policies:

    a. The grounding circuit for a magneto does not require overcurrent protection or boots, caps, or nipples. The grounding circuit does not have a voltage potential; however, when it is grounded, the circuit immediately goes to zero voltage. There is no power capability, therefore, there is no potential for harmful sparking.

    b. For most common gauge circuits such as fuel, oil pressure, and temperature, the conductor which goes to the sending unit on the engine or the fuel tank is considered a ground circuit that is not required to have overcurrent protection.

12. Ungrounded Terminals.

    a. There are several methods a builder can use to bring continuously energized, ungrounded terminals or studs into compliance with the protection requirement. Silicone gel or electrical tape, if properly applied, can provide adequate protection. These methods are not considered

B.12.a. (cont'd) permanent, however, and the builder should use them only as a stop-gap until a supply of removable and replaceable shields are obtained.

b. The basic test for a continuously energized circuit which would require shielding is one which is energized even when the main ignition key is off and which has no overcurrent protection. On most boats these are only the positive battery terminal, and the cranking motor stud to which the battery cable is attached.

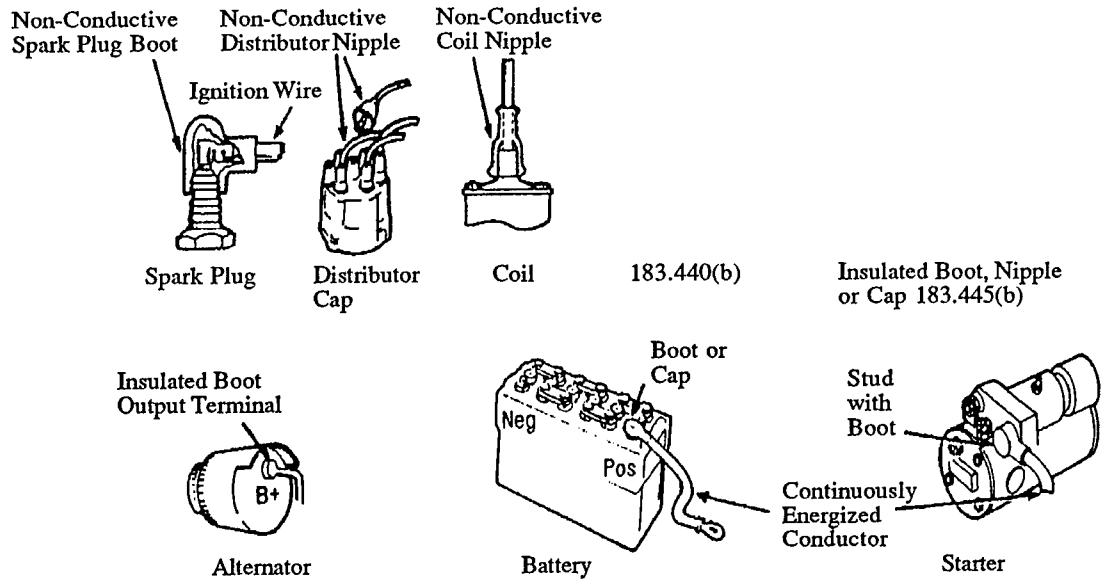


FIGURE 11 - TERMINAL PROTECTION - 183.183.445(b)

13. Special Overcurrent Protection Applications.

a. A self-limiting battery charger is considered a self-limiting generator, and accordingly is afforded the exception from the requirement to provide overcurrent protection for its output conductors as specified in Paragraph 183.460(b). The input conductors to the battery charger do have to be protected with overcurrent protection as specified in Section 183.455.

b. The conductor(s) leading from a battery isolator to a battery are protected at their source on the input side of the isolator (a self-limiting alternator or battery charger) and do not require further protection as long as they are sized to carry the total load of the input.

c. Conductors from an alternator or charger to a battery do not require overcurrent protection at the battery end. The current flow from the alternator is self-limiting and in the reverse direction there is normally no current flow.

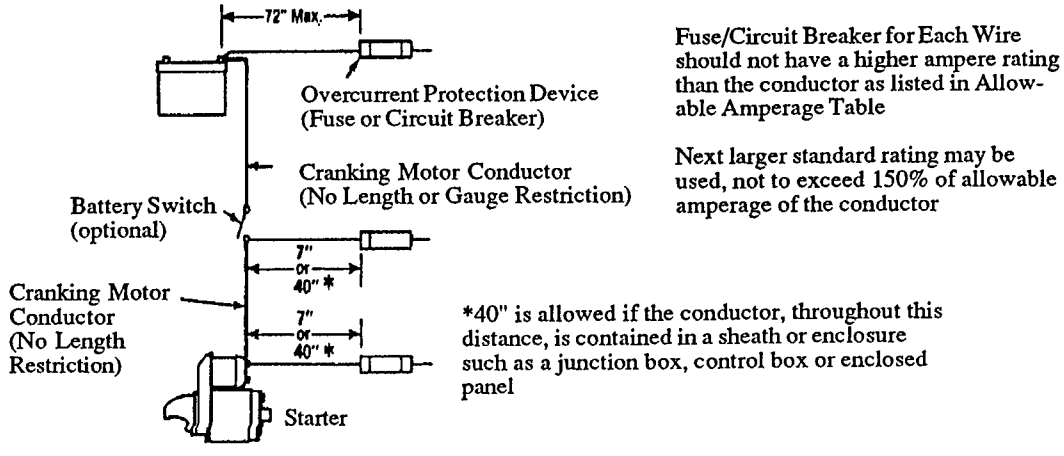


FIGURE 12 - OVERCURRENT PROTECTION - 183.455

B. 14. Shock Hazard Protection.

a. Paragraph 183.455(a) requires that all ungrounded current carrying conductors have overcurrent protection. In a two conductor or three conductor system with the neutral conductor (generally a white conductor) terminated to ground (usually in the breaker box at a grounded bus bar), the neutral conductor is considered grounded for the purposes of 183.455(a) and does not require overcurrent protection.

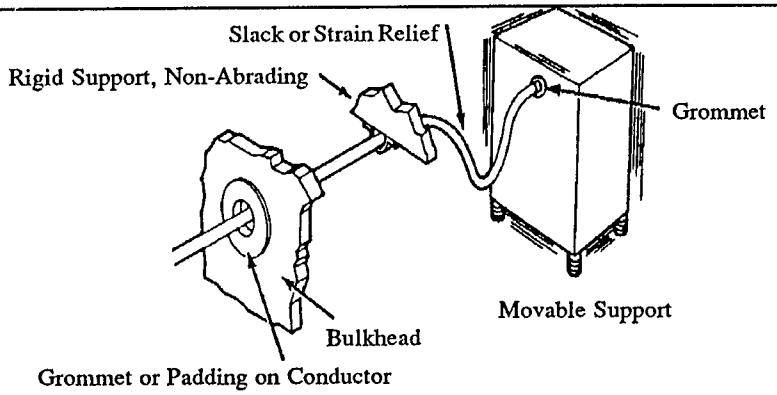


FIGURE 13 - WIRING SUPPORT - 183.445

b. The requirements in the Electrical System Standard are intended to minimize fire and ignition source hazards. They do not provide for shock hazard protection as specified in the electrical standards of the American Boat and Yacht Council and NFPA No. 302.

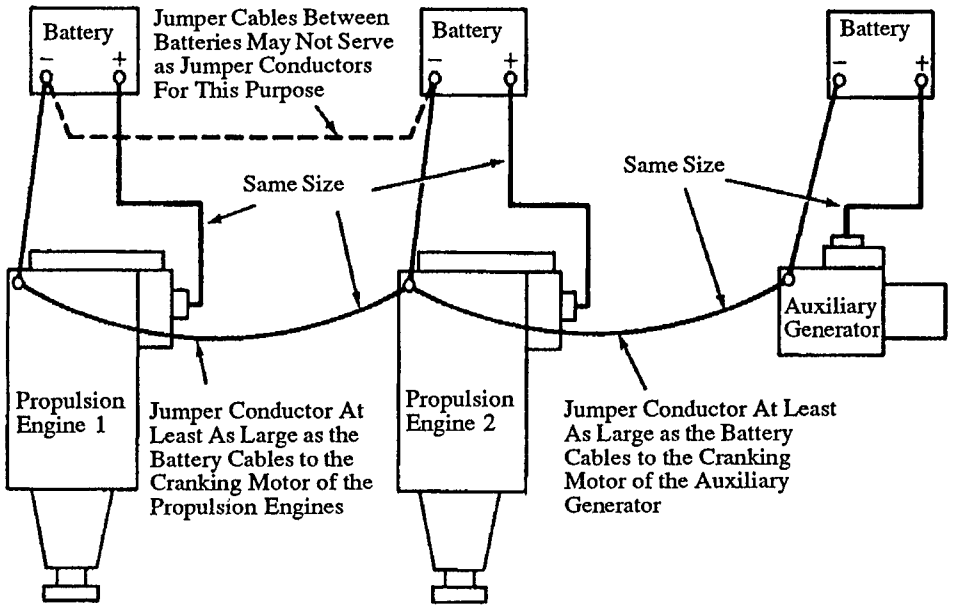


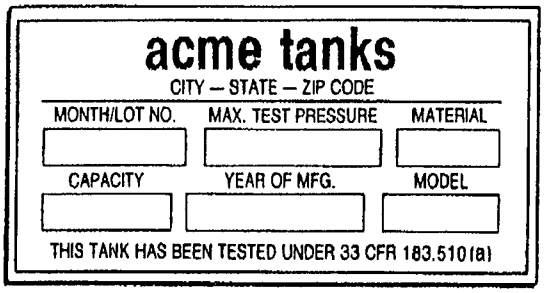
FIGURE 14 - GROUNDING - 183.415

C. FUEL SYSTEMS

1. Fuel Tank Labeling.

a. A test facility questioned whether the "pressure the tank is designed to withstand without leaking," required by 183.514(b), meant the design limit or rupture strength of the tank. The number on the fuel tank label for "the pressure the tank is designed to withstand without leaking" is the pressure to which the tank manufacturer has tested the tank under 183.580 as required by 183.510(a). The tank manufacturer should make the number lower than the ultimate burst pressure to permit a safety factor.

Tank Label



Note: If applicable, the statement:
"MUST BE INSTALLED AFT OF THE BOAT'S HALF LENGTH"

Installation

1. Tank must be mounted separate from the engine and must not be integral with the hull
2. Tanks with 15g. shock rating must be installed aft of the boat's half length
3. Fuel tank cannot move more than 1/4" in any direction measured at the mounting surface
4. Tank design must prevent accumulation of water on top of or against tank surface
5. Cellular plastic must not be the sole means of support for a metallic fuel tank

183.550

Materials

1. Fuel tanks must not be coated with a lead-tin alloy (terneplate)
2. Steel or iron tanks must be aluminized or hot dip galvanized
3. Iron, steel or stainless steel tanks must not be encased in plastic foam or fiberglass

183.512

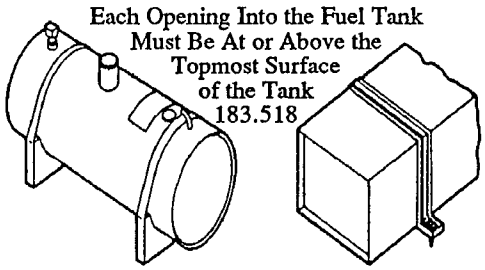
Accessibility

The connections for the fuel tank fill, fuel tank vent, fuel distribution fittings and the fuel level gauge must be located where they can be inspected/serviced without requiring the removal of a part of the boat's permanent structure.

Panels/covers that can be removed using simple hand tools are acceptable. Glassed-in panels or glued on carpets are not acceptable.

183.554

Installation



Non-Moisture-Absorbing and Non-Metallic Material Required Between Tank Surfaces and Securing Straps and Chocks 183.550(e)

FIGURE 15 - FUEL TANK INSTALLATION

C.1. b. Another question asked was "Must the label withstand direct sunlight?" A UV-resistant label is considerably more expensive and fuel tanks are often installed below deck where they are seldom exposed to sunlight. A fuel tank which is designed for and is installed under a cover of some sort, (deck, hatch, engine box, etc.) need not have a label which will withstand exposure to direct sunlight. The label must meet all other criteria of 183.514(d)(1).

2. Fuel Selector Valves and Anti-siphon Protection. Sometimes an electrically operated valve is used to select between fuel tanks. A builder may install an electrically operated fuel selector valve which meets the requirements of 183.528 to meet the requirements of 183.568. However, a fuel selector valve installed for any purpose other than anti-siphon protection need not meet the requirements of 183.528. A valve is not required to pass the fire test if it is installed in a fuel line for which the regulations do not require USCG "Type A1" hose or metal.

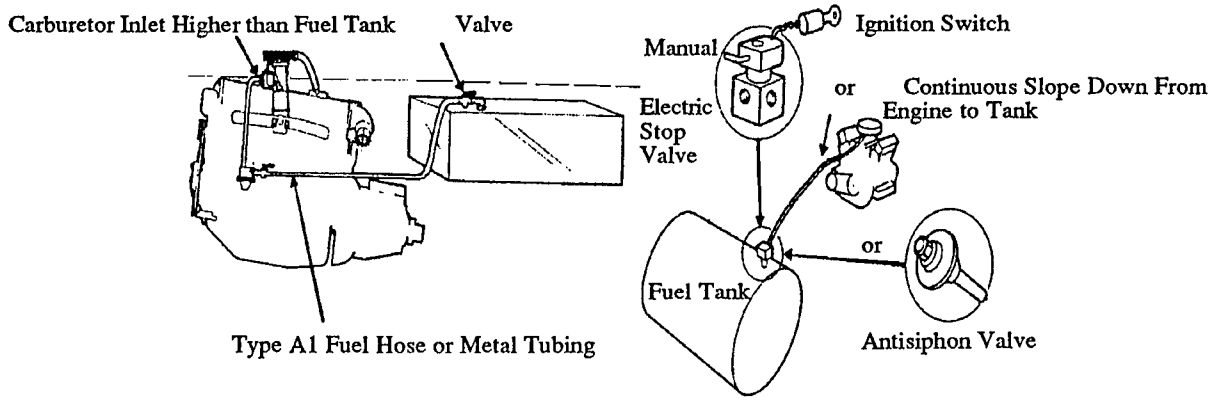


FIGURE 16 - ANTI-SIPHON PROTECTION-183.568

C. 3. Expanding Fuel Tanks. There are certain plastic marine fuel tanks on the market which, when initially filled with fuel, absorb fuel and expand. Section 183.550(b) requires that the installation of each fuel tank so that it does not move at the mounting surface more than 1/4 inch in any direction. With these types of tanks, however, the boat manufacturer cannot make an installation that properly secures the tank, because the boat builder must allow for the expansion. Obviously, a fuel tank is intended to contain fuel and we should consider the installation under normal conditions. The builder may install a plastic marine fuel tank which normally expands after filling, if space is left for the expansion. The fuel tank manufacturer should provide after expansion dimensions to the boat manufacturer. After full expansion (not more than thirty days after filling with fuel) the tank must meet the requirements of 183.550(b). The tank must also meet all other requirements of Subpart J upon installation.

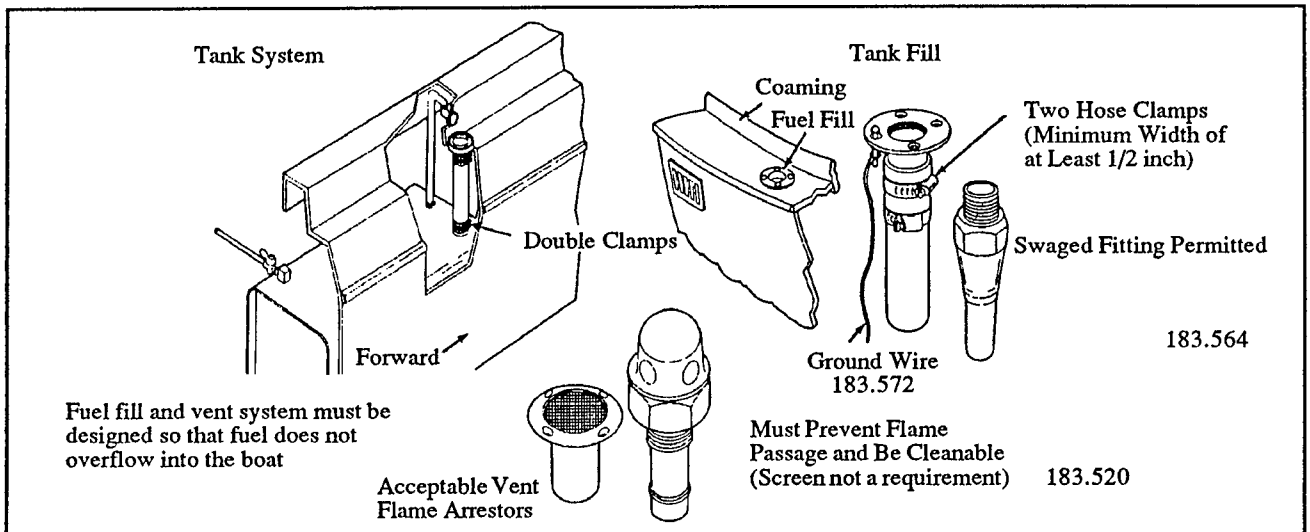


FIGURE 17 - FUEL FILL SYSTEMS

4. "Insulated" and "Non-moisture Absorbing" as used in 33 CFR 183.550(e).

a. Some installations which meet the legal wording of this part are at the same time a relatively poor practice. Such installations will have to stand the test of time and may fall prey to product liability and safety related defect problems. The word, "insulated," does not necessarily require a dielectric material, since it was not intended to prevent the flow of electricity, but rather to provide a measure of protection against chafing and galvanic action. The words, "non-moisture absorbing," refer generally to a material with a surface which would cause water to bead and run off, rather than "wet."

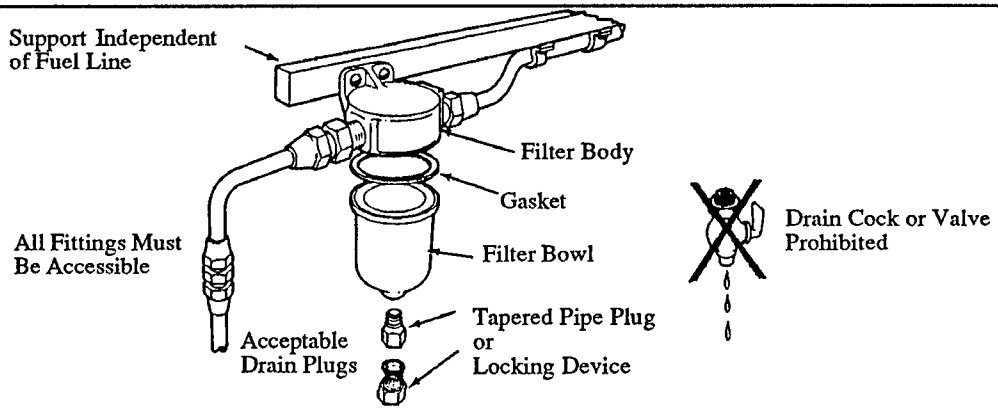


FIGURE 18 - FUEL FILTERS- 183.566 & 183.570

b. Two practices which are specifically prohibited are (1) placing metallic tanks in direct contact with untreated wood; and (2) direct metal-to-metal contact (even if it's the same type metal) between a tank and a strap or support. The use of small amounts of rubber or a similar substance

C.4. (cont'd) is encouraged. The placing of a metallic tank on a flat fiberglass (or treated wood) surface, whether or not it is bonded, is not the best practice, but is not forbidden by the regulations. However, the builder may not use any material on or adjacent to the top sides of a tank to such a degree that .550(d) (drainage from surface) or .552 (plastic encasing of metallic tanks) is violated. Headquarters will monitor these practices, and if experience indicates the need, will amend the regulation.

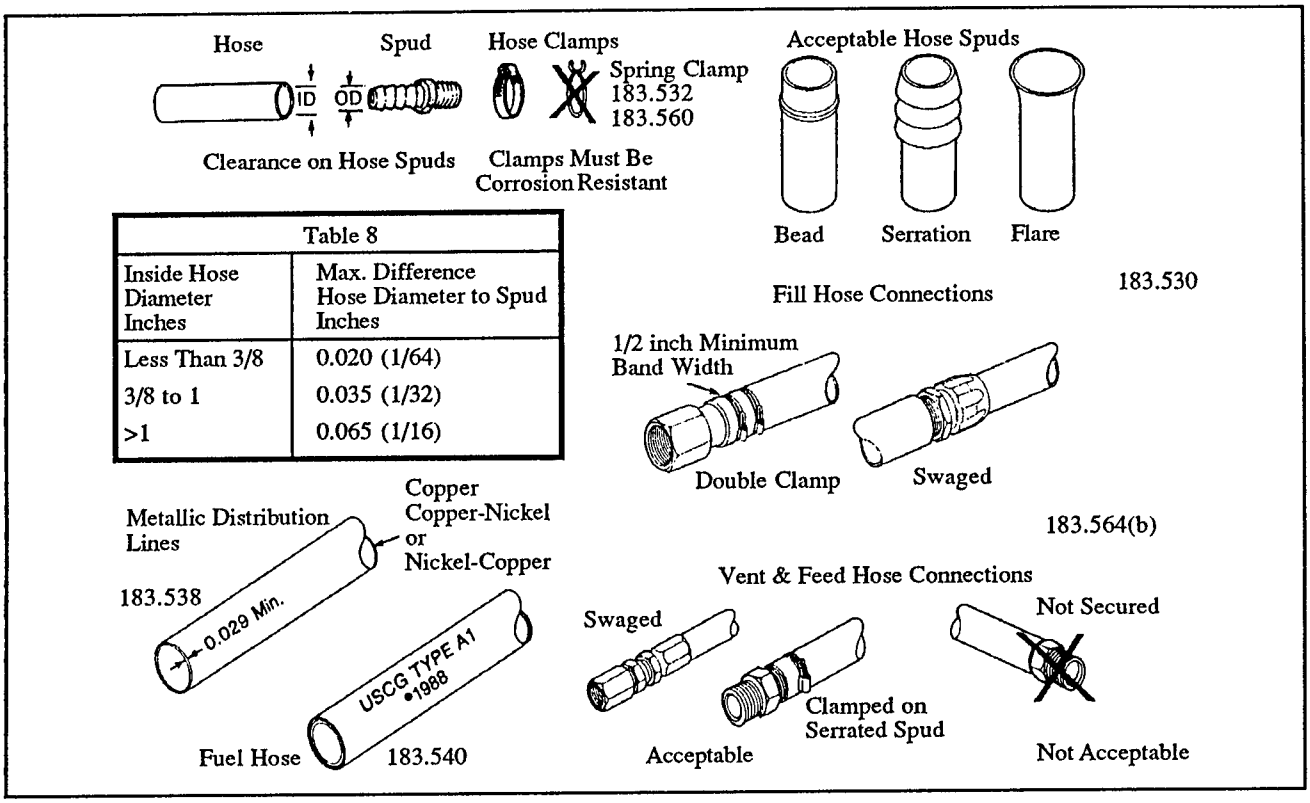


FIGURE 19 - HOSES AND CONNECTIONS-183.558 & 183.560

5. Fuel Pump Failure Bleed-off Tubing. Single diaphragm fuel pumps often have a clear vinyl tube which leads from the pump either to the carburetor or is capped off. This tube serves as an indicator in case of pump diaphram failure and also prevents fuel leakage. Obviously, the tube is not a Coast Guard-approved hose type and often it is not properly secured. This tube is not intended to carry fuel in the normal operating condition and therefore 33 CFR Subpart J (the fuel standard) does not apply.

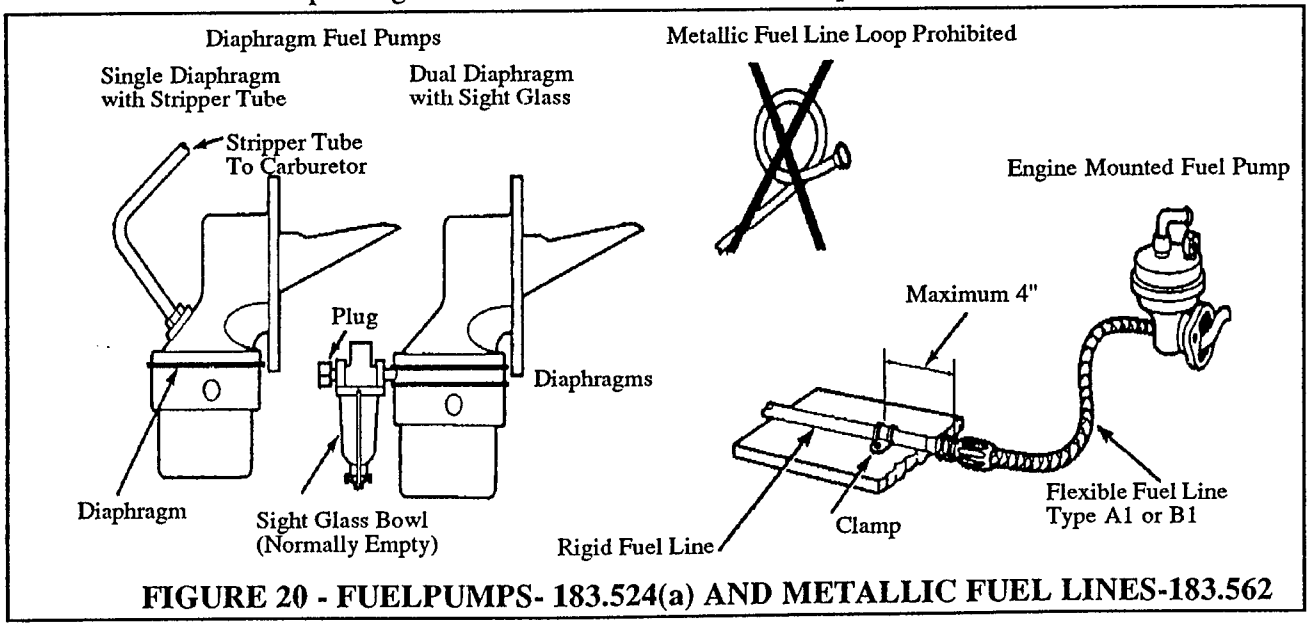


FIGURE 20 - FUELPUMPS- 183.524(a) AND METALLIC FUEL LINES-183.562

CHAPTER 5 -- VENTILATION SYSTEMS

1. Regulation reference. 33 CFR 183, Subpart K

2. Purpose. Together with the present standards for electrical and fuel systems, to significantly reduce the probability of gasoline vapors collecting in the boat where they are easily ignited causing a fire or explosion.

WARNING --
GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR AT LEAST 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS

FIGURE 21- BLOWER LABEL

3. Powered Ventilation System. Required for each compartment in a boat that has a permanently installed gasoline engine with a cranking motor for remote starting.

   a. Exceptions. A compartment containing permanently installed gasoline engine equipped with a cranking motor (remote starting) which is "open to the atmosphere." "Open to the atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume. Note: Suppose a permanently installed engine lacks remote starting, i.e., it is started by a hand crank on the engine. Removal of the engine cover or box to start the engine makes the engine compartment "open to the atmosphere" and powered ventilation is not required.

4. Powered Ventilation System Requirements. An exhaust blower system consisting of one or more exhaust blowers. Each intake duct for an exhaust blower must be in the lower one-third of the compartment and above the normal accumulation of bilge water.

5. Natural Ventilation System. Required for each compartment in a boat that:

   a. Contains a permanently installed gasoline engine;

   b. Has openings between it and a compartment that requires ventilation, where the aggregate area of those openings exceeds 2 percent of the area between the compartments. The exception is an accommodation compartment above a compartment requiring ventilation that is separated from the compartment requiring ventilation by a deck or other structure

   c. Contains a permanently installed fuel tank and an electrical component that is not ignition-protected in accordance with 33 CFR 183.410(a);

   d. Contains a fuel tank that vents into that compartment; or

   e. Contains a non-metallic fuel tank meeting certain technical requirements concerning permeability provided in the regulations.

   f. Exceptions. Compartment is "open to the atmosphere."

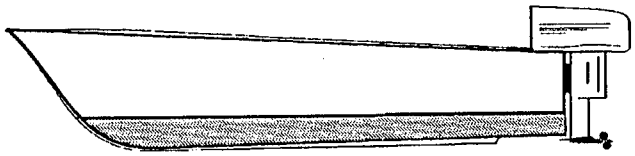
6. Natural Ventilation System Requirements. A natural ventilation system consisting of:

   a. A supply opening or duct from the atmosphere (located on the exterior surface of the boat) or from a ventilated compartment or from a compartment that is open to the atmosphere; and

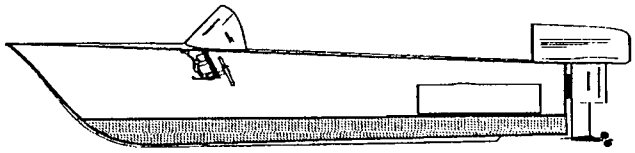
   b. An exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere.

   c. Each exhaust opening or exhaust duct must originate in the lower one third of the compartment.

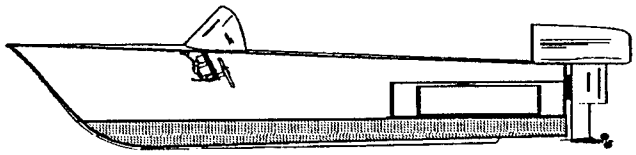
FIGURE 22 - VENTILATION SYSTEM AND BOAT CONFIGURATIONS



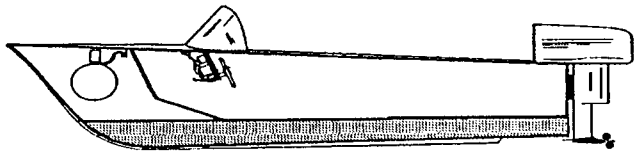
Open boat
Powered Ventilation? ***No.***
Natural Ventilation? ***No.***



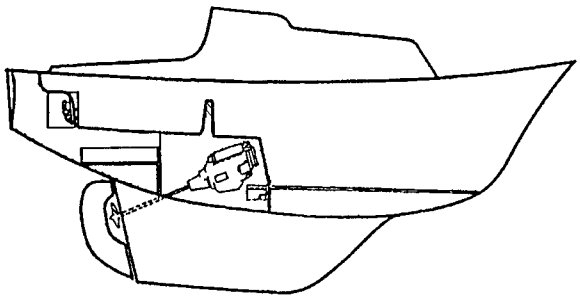
Open boat with Portable Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***No.***



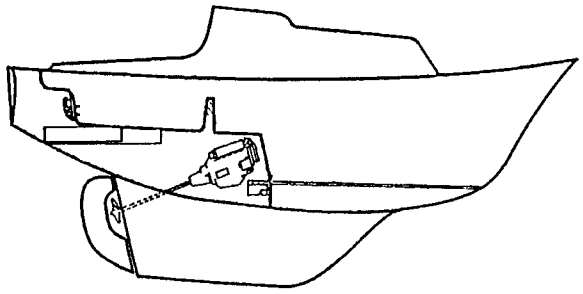
Portable Tank in Enclosed Compartment
Powered Ventilation? ***No.***
Natural Ventilation? ***Yes.*** Fuel tank compartment is not "open to the atmosphere".



Permanent Tank
Powered Ventilation? ***No.*** If fuel tank vented to outside of boat.
Natural Ventilation? ***No.*** If fuel tank vented to outside of boat.



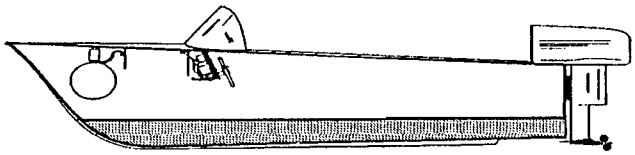
Permanent Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***No.*** Fuel tank compartment contains electrical components which are ignition-protected, i.e., they are higher than the gasoline fuel source and installed in an enclosure.
Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



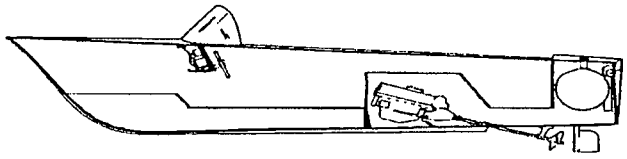
Permanent Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***Yes.*** Fuel tank compartment contains electrical components which are not ignition-protected, i.e., they are within two feet of the gasoline fuel source and are not installed in an enclosure.
Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***

Note: These boats are subject to the Fuel System Standard and their fuel tanks are required to be vented to the outside.

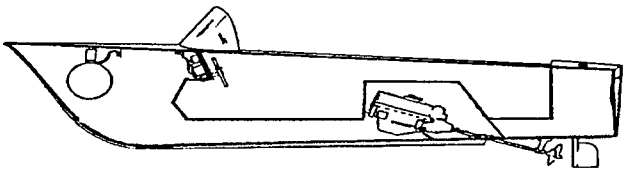
FIGURE 23 - VENTILATION SYSTEM AND BOAT CONFIGURATIONS



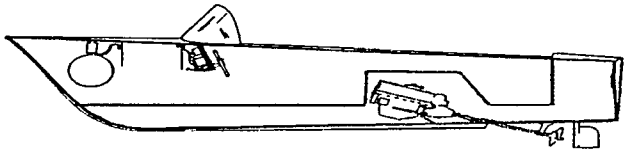
Permanent Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***No.*** Fuel tank compartment is "open to the atmosphere".



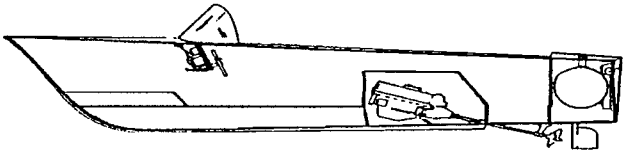
Permanent Tank and Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes..***



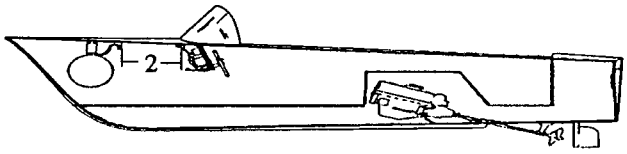
Permanent Tank and Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



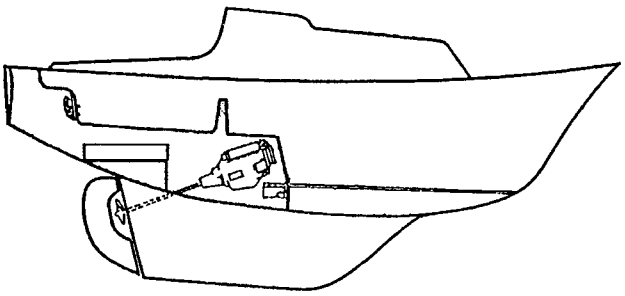
Permanent Tank and Engine Compartments
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



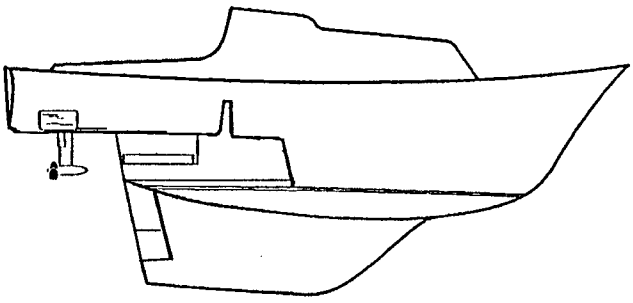
Permanent Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***No.*** *Unless fuel tank compartment contains electrical components which are not ignition-protected.* Note: this boat subject to Fuel Standard and tank required to be vented to outside.
Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



Permanent Tank
Powered Ventilation? ***No.***
Natural Ventilation? ***No.*** *Compartment is "open to the atmosphere" and helm station electrical components ignition-protected, i.e., they are at least two feet from gasoline fuel sources.*
Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



Permanent Tank and Engine Compartment
Powered Ventilation? ***Yes.***
Natural Ventilation? ***Yes.***



Portable Tank in Enclosed Compartment
Powered Ventilation? ***No.***
Natural Ventilation? ***Yes.*** Fuel tank compartment is not "open to the atmosphere".

6. d. Each supply opening or supply duct and each exhaust opening or exhaust duct in a compartment must be above the normal accumulation of bilge water.

e. The minimum internal cross-sectional area of each supply opening or duct and each exhaust opening or duct must exceed 3.0 square inches.

7. Compliance Monitoring Techniques. Place most emphasis in monitoring compliance with the ventilation regulations on these techniques:

a. Checking for certification by the boatbuilder. Since certification is inescapably the responsibility of the boatbuilder, most boatbuilders will make some efforts to comply before they place the certification statement on their product. Encourage manufacturers to maintain permanent files of test reports and documentation of compliance with the regulations for each component and boat model.

b. Checking for prima facie evidence that the components installed in the boat were manufactured to meet the requirements of the regulation. Take purchasing documents, wherein the builder requires a component supplier to meet certain portions of the standard, as evidence that the boatbuilder is constructing that portion of the boat to the standard, in the absence of any information to the contrary.

c. Checking for labeling by the boat manufacturer on boats requiring a powered ventilation system (See Figure 9).

d. Selecting a small number of items on each boat for very careful scrutiny while giving a more cursory examination to other portions of the boat, as time allows.

e. Recommending for compliance testing those products which do not appear to comply.

8. Tools. For day-to-day visits where no extensive examinations are anticipated, the following devices are frequently useful, in addition to coveralls, clipboard and reference materials:

a. pocket knife
b. small flashlight
c. dental mirror with extension handle
d. tape measure
e. screwdriver
f. pliers

CHAPTER 6 -- START-IN-GEAR PROTECTION

1. Regulation reference. 33 CFR 183, Subpart L

2. Purpose. To reduce accidents that may result when an outboard motor is started in gear producing a sudden movement of the boat which causes its occupants to either fall inside the boat or be thrown overboard.

STARTING CONTROLS INSTALLED WITH THIS MOTOR MUST COMPLY WITH U.S. COAST GUARD REQUIREMENTS FOR START-IN-GEAR PROTECTION IN 33 CFR PART 183, SUBPART L

FIGURE 23 - SIGP LABEL FOR OUTBOARD MOTORS

THIS CONTROL WILL (OR WILL NOT) PROVIDE START-IN-GEAR PROTECTION MEETING USCG REQUIREMENTS OF 33 CFR PART 183, SUBPART L

FIGURE 24 - SIGP LABEL FOR STARTING CONTROLS

3. Compliance Monitoring Techniques.

   a. Checking for labeling by the engine/controls manufacturer.

   b. Attempt to start engine in gear.

   c. Read manufacturer's instruction manual.

   d. Check for emergency starting instructions (on flywheel).

CHAPTER 7 -- MANUFACTURER RELATED OPERATOR REQUIREMENTS

1. General. Federal laws require boat operators to comply with some equipment carriage requirements. Although the laws place the burden of compliance on the operator, the manufacturer usually builds boats that meet some of these requirements to make the company's products easy to sell. Inspectors need to know these regulations and the proper references. General references are:

   COMDTINST M16750.5 - Boating Safety Training Manual (State Edition)
   COMDTINST M16247.1 - Boarding Guide (Volume I)
   COMDTINST M16672.2A - Navigation Rules International- Inland

2. Specific Regulations. The specific operator regulations that boat manufacturers will be typically concerned with are described below.

3. Flame Arresters. Required on all uninspected vessels, including motorboats, using gasoline as fuel (except outboards). See: Motorboat Act of 1940, M16750.4B, 46 CFR 162.

4. Navigation Lights.

   a. Required on all boats operating between sunset and sunrise or during periods of restricted visibility. See: Motorboat Act of 1940, M16672.2, M16750.4B

   b. Manufacturers who choose to install lights must install them properly and in compliance with the Federal regulations, unless the customer requests otherwise. Boats produced with factory installed noncomplying lights are usually considered to contain a defect which creates a substantial risk of personal injury to the public, and the manufacturer is subject to the Defect Notification requirements of 46 U.S.C. 4310. The manufacturer will not be subject to defect notification if the company can prove that the noncomplying or improperly installed lights were deliberately ordered by the customer.

5. Pollution Placard. Required on all powered vessels 26 feet or longer in length. See: Federal Water Pollution Control Act Amendments of 1972, 33 CFR 159, CG-485, Federal MSD Regulations.

6. MSD's.

   a. MSD regulations apply to both boat operators and manufacturers. Manufacturers may install only certified toilets or holding tank installations. "Inspection" of MSDs during normal factory visits should consist of reading a label on the device, or determining that the device is listed by the Coast Guard as certified.

   b. Type III MSDs (holding tanks) do not require certification labels or Coast Guard approval if they meet the requirements of the regulations (complete containment). The regulations do not prohibit the use of a through-hull fitting. However, a device furnished with a through-hull fitting will not be allowed unless there is some means of preventing the discharge of sewage through the fitting, such as a seacock or valve.

7. Violations of MSD Regulations.

   a. Since MSD violations by manufacturers do not fall under the Coast Guard statutes they must be processed under the Federal Water Pollution Control Act of 1972 which provides for a penalty up to $5000 per violation for failure to comply with Section 312 of the FWPCA. Note that Section 312(j) states:

      "In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered."

   b. When a manufacturer is found in violation of 33 CFR 159.5 or Section 312 (b), FWPCA of 1972, Commandant (G-NAB-6) will send a "Notice of Violation" letter. Once notified, penalties may be mitigated or remitted entirely if the manufacturer recalls and/or corrects affected boats.

CHAPTER 8 -- PROCEDURES OF GENERAL APPLICATION

A. COMMUNICATIONS (INTRA COAST GUARD)

1. General.

a. The various chapters and appendices of this manual identify specific requirements for correspondence and reporting. By following them, an effective information flow within the Coast Guard will usually result. Regardless of these specific requirements, there are several general rules which need to be followed if the Coast Guard is to provide a well-organized and uniform exchange with the manufacturing community and the public. These are:

(1) Keep the cognizant OCMI advised by sending them a copy of correspondence with individuals located within their zone or correspondence relating to one of their manufacturers, dealers, importers, etc. Include a copy of the correspondence which prompted the exchange so that the cognizant OCMI is not left "guessing."

(2) The OCMI corresponding with another OCMI concerning activities contained in this manual will provide a copy of each communication to G-MVI and G-NAB-6 at Headquarters.

(3) Headquarters will usually communicate directly with manufacturers on matters relating to standards development, regulation changes, and safety defect investigations. In matters concerning the importation process, Headquarters will communicate directly with importers, brokers and any others involved.

(4) When correspondence is already warranted, send a blind copy to Commandant (G-MVI). Otherwise, advise G-MVI by phone call, memo, letter, or message, as appropriate.

2. Files. COMDTINST 5210.5 series establishes standard subject identification codes for filing, including subjects relating to boating safety. The instruction does not prescribe specific filing schemes and priorities for filing; however, experience has shown that complete case/campaign files and manufacturer reference files are necessary for efficient administration of the compliance program.

a. Reference Files. The manufacturer reference file is used for filing material relating to a specific manufacturer when no case is involved. Each OCMI is responsible for the liaison activities with the manufacturers and importers located within that region. To support this activity, each OCMI is responsible for maintaining a reference file on each manufacturer, and an individual file for each of the cases. This includes cases initiated by the OCMI for a noncompliance, and Headquarters cases on companies located within the region.

b. Case Files.

(1) The case file is a complete chronological history of all matters that pertain to a consumer complaint, boating accident, noncompliance or defect; an evaluation of suitable corrective action; campaign reports, correspondence, closing justifications, and penalties recommended or imposed. Since the file may be used in the administration of civil penalties or in court, it should be orderly and complete. It should contain legible memos of phone calls and conferences to give a clear picture of the developments in the case.

(2) A case may be initiated for either a possible noncompliance violation or a potential defect. A case is not closed until the Chief, Product Safety Assurance Branch makes a determination that all necessary actions have been completed and the Coast Guard has discharged its responsibility.

(3) Experience has shown that, as a matter of efficiency, some cases should be administered by Headquarters. These are usually cases which result in multiple campaigns involving more than one OCMI. They may also be cases which cause great concern in the industry and result in many inquiries from the industry, members of Congress, or the press. In these

A.2.b.(3) (cont'd) cases communications, including correspondence with the manufacturer, will be conducted by Headquarters directly with the manufacturer and any other parties involved. OCMIs will be advised of these activities. OCMIs also may recommend cases which they feel should be handled by Headquarters.

B. HANDLING OF CONSUMER COMPLAINTS

1. General. Upon receipt of a consumer complaint, boating accident report, compliance test results, etc., there is a procedure to be followed. Procedures to be followed upon receipt of a consumer complaint:

   a. Consumers will report a potential noncompliance or safety defect to the Coast Guard with the expectation that they will receive a quick determination on the matter. Sometimes, the consumer is awaiting a Coast Guard determination before proceeding with litigation or taking some other action to solve problems. Some investigations require both an inspection of the consumer's product by the local OCMI and a factory visit by the cognizant OCMI. Rarely does the consumer realize how long it usually takes to complete an investigation. As a result, many consumers become frustrated and attempt to force Coast Guard action through outside pressure.

   b. All personnel of the office receiving a complaint must be very careful not to disclose opinions or findings about the validity of the complaint to the complainant. The activities of the Coast Guard after the initial contact with the complainant are the internal business of the Coast Guard. Acknowledement by any involved personnel that "Yes it looks like you have a defective boat" might be taken by a complainant to mean that he or she can now "require" or "demand" that the manufacturer repair or replace the boat because the statutes say that the company has to.

2. Telephone Complaints. When a telephone call concerning a consumer complaint about a boat or item of associated equipment is received by the Coast Guard, ask the complainant to call the Boating Safety Hotline (800-368-5647). Assure the caller that the Coast Guard is interested in learning of the problems which the boating public is experiencing with their boats. However, make no promises concerning possible Coast Guard activity or comments regarding the complainant's allegation. As a minimum, ask the complainant to provide a completed Consumer Complaint Form (see Appendix 9).

3. Initial Review.

   a. Does the complaint as received in written form provide all of the data necessary to evaluate the complaint? Data may need to be requested from other CG elements, the complainant and State or other agencies.

   b. Does the Coast Guard have jurisdiction over the matter? If the complaint concerns the boat trailer or an alleged illegal trade practice, the complaint should be referred to the responsible agency (NHTSA, CPSC, etc.) in writing and the complainant should be so advised in writing.

   c. If the boat was built prior to 10 August 1971, the complainant should be notified in writing in a polite manner, that some provisions of the statutes and regulations do not apply. Also, if the complaint involves a boat built exclusively for commercial purposes, the statutes do not apply.

4. Consumer Relations on Non Safety-Related Complaints.

   a. Federal statutes neither require, nor authorize the Coast Guard to conduct a general consumer assistance program, i.e. a program to assist individual consumers resolve non safety-related defects or problems. The Boating Standards Program has no other legislative authority to initiate a consumer assistance program. Careful consideration must be given to each action taken by the Coast Guard which is outside the narrow and specifically defined responsibilities contained in the statutes and Subchapter 'S'. The Coast Guard does not have the resources to directly intervene on behalf of an individual boater to correct a defect or noncompliance.

   b. Occasionally a Coast Guard unit informally requests a manufacturer's assistance in resolving the non-safety problems of a consumer. This practice is NOT encouraged. The manufacturer might interpret this as a formal request, under our safety oversight authority, harassment or

B.4.b. (cont'd) unauthorized pressure to do something. The manufacturer might believe that if the requested action was not accomplished, the Government could fine or punish him for not doing what was requested. Were the Coast Guard accused of such an action, there would be no legitimate defense.

c. Many boat owners who report a possible defect seem to assume that the Coast Guard will promptly assign an individual "case-worker" to the complaint, that all facts and allegations concerning the individual's complaint will be promptly investigated and resolved (including sending investigators out to examine and test the owner's boat), and that the Coast Guard will then make a ruling concerning the individual complaint and if it is ruled a defect, then the Coast Guard will order the manufacturer to make restitution to the individual. This kind of an individual "defect arbitration program" would take enormous personnel and money resources to operate. Coast Guard oversight of boating safety recalls is simply not designed or authorized to operate in such a manner.

d. What we do is make a concerted effort to collect defect information from the largest number of owners possible, and combine it with information gleaned from other complaints, to detect trends or series of related complaints. With this kind of broad-based data, the Coast Guard can make better informed decisions on how to deploy our limited defect investigation resources.

e. One goal is to generate as many legitimate defect reports as possible without, at the same time, building the expectation in the individual's mind that each defect report will be individually investigated, resolved, and responded to. The individuals who indeed have safety-defective boats will, in time, get the appropriate remedy when the Coast Guard, armed with sufficient data convinces or, if need be, orders the manufacturer to conduct a recall.

5. Reporting Defects To Headquarters--How and When. Commandant (G-NAB-6) shall be advised by telephone whenever information comes to the attention of a OCMI which indicates in their opinion that a particularly severe safety defect may exist;

CHAPTER 9 -- CAMPAIGNS

A. CAMPAIGN DEFINED

1. General.

a. "Campaign" as used throughout this publication refers to the formal procedure outlined in 46 U.S.C. 4310. Regardless of whether the undertaking is termed a "recall campaign," "defect notification action," "consumer alert," or whatever, it is important that those undertakings which are intended to meet the requirements of 46 U.S.C. 4310 be identified as such and that they not be confused with service bulletins, safety bulletins, consumer advisories and other programs. From the Coast Guard standpoint there are no degrees of campaigns, i.e., a manufacturer is either obligated to meet the requirements of 46 U.S.C. 4310 or not, regardless of whether one item is involved or thousands.

b. 46 U.S.C. 4310 and 33 CFR 179.09 detail the required elements of defect notification. However, the fact that a manufacturer's announcement of a particular safety hazard includes all these required elements does not necessarily mean that the safety announcement is a campaign. Civil liability and warranty considerations frequently influence manufacturers to make announcements to their consumers regarding hazards in the use of their products. Only when the conditions of 46 U.S.C. 4310(b) or 4310(f) are met should the announcement be considered a campaign.

c. A manufacturer is said to be in a "campaign status" from the time the company provides notification under 46 U.S.C. 4310 or is directed to do so by the Coast Guard, whichever occurs first, until the company is advised by the Coast Guard that we are closing our campaign file. However, a campaign should not be announced publicly until the rebuttal period is over (see page 10-5). As is mentioned previously, the period a manufacturer is in a campaign status is just one portion of the overall development and administration of a case. While in a campaign status, the procedures of this section apply, regardless of whether the campaign is necessitated by a noncompliance or a safety defect. When the manufacturer is not in a campaign status, refer to other chapters, as appropriate.

2. Responsibility for Conducting Campaign.

a. Under 46 U.S.C. 4310(a) and 33 CFR 179.03(d), the responsibility for conducting campaigns is limited to builders of boats, inboard engines, outboard engines and stern drive units. Importers of these products are, by definition, also manufacturers and are therefore responsible for campaigns.

b. Private label merchandisers, brokers, foreign manufacturers and suppliers of components other than those mentioned cannot be required to conduct campaigns.

c. The definition of the term "manufacturer" is broad enough that any person engaged in the installation of associated equipment in a boat, or otherwise engaged in the alteration, modification, or assembly of a boat, can be considered a manufacturer. Thus, boat dealers, marinas, and boatyards, can in certain circumstances be considered manufacturers under the statutes if it is reasonable and in the interest of boating safety. If for example, an installation, alteration or other assembly work performed on the boat: (1) affects the compliance of that boat with applicable standards in effect on the date of original manufacture, or (2) creates a safety defect as defined in 46 U.S.C. 4310(b), it would be considered manufacturing. Proceeding under this policy, if Coast Guard investigations reveal that a failure to comply or a safety defect is the direct result of work performed by a marina, then the Coast Guard could consider the marina the statutory manufacturer. The Coast Guard could then hold the marina responsible for compliance with the defect notification provisions of 46 U.S.C. 4310 and 33 CFR 179, as well as holding it liable to the penalties provided in 46 U.S.C. 4311. Whenever it is expected that a company may have to conduct a campaign and it is not a recognized manufacturer (no ID code) then Commandant (G-NAB) should be sent complete information on the matter.

A.2. d. There are times when a person or company which is not legally responsible for conducting a campaign may consider it in their best interest to conduct a campaign voluntarily. There may also be times when several parties can be legally held to the requirement to conduct a campaign. Although the Coast Guard has generally been flexible in these situations, provided the interests of boating safety are served, there is no set procedure for assigning responsibility for conducting these campaigns. Each is handled on a case by case basis. In general, the responsibility for a campaign is placed on the manufacturer that is subject to 46 U.S.C. 4310 and is most responsible for the existence of the defective product. This is not necessarily the manufacturer whose ID code appears in an HIN or whose name appears on a certification plate.

3. Boats Built Before Defect Notification Regulation. By legal interpretation, a campaign cannot be required for a product containing a safety defect if the product was built before the effective date of 33 CFR 179, 1 November 1972. This does not prevent manufacturers from meeting the spirit of the statutes voluntarily by correcting defective products built before then.

4. Limitations Due to "5 Year" Amendment.

   a. 46 U.S.C. 4310(c)(2) sets a five year limitation on the manufacturer's duty to provide notification of noncompliances or defects. This has been interpreted to mean that the duty to correct is also limited to five years.

   b. The intent is to relieve manufacturers of the burden of maintaining first purchaser lists forever. It is not a burden for them to keep a list of their dealers and distributors indefinitely even after the five year period, so information on the problem could be passed on to owners of the boat involved and corrections made. Of course, if the manufacturer has maintained first purchaser lists beyond five years, the company may voluntarily choose to use these lists in any notification that might be required.

   c. Manufacturers are not required to maintain first purchaser lists longer than five years. They do not need to notify first purchasers or subsequent purchasers of a defect or noncompliance in a product after five years from the date of certification or manufacture. They are required to notify dealers or distributors indefinitely.

   d. Manufacturers are not required to notify owners or correct a noncompliance problem in a product manufactured before the effective date of a standard applicable to that product.

5. Effect of Exemptions on Campaigns. Manufacturers will not be required to conduct a campaign if they have written a petition to the Coast Guard for an exemption which relates to the need for that campaign. Suitable corrective action will not be determined until the exemption request is granted or denied. Granting an exemption does not necessarily dismiss the need for a campaign, nor does it necessarily end a campaign which has already begun. Usually, manufacturers who are conducting a campaign before submitting a related exemption request, must continue the campaign while the request is pending. If the request is granted, the need for continuing the campaign must then be reevaluated.

6. When Required: Coast Guard/Manufacturer Agreement.

   a. Campaigns are required when the conditions of 46 U.S.C. 4310(b) or 4310(f) are met. These two sections cover a wide range of circumstances, depending upon the degree of confidence the Coast Guard and the manufacturer have in their judgements. Obviously, if the Coast Guard and the manufacturer agree, there is no problem. When they are not in complete agreement, the following policies apply:

   b. When a manufacturer or the Coast Guard is convinced that a campaign is required under 46 U.S.C. 4310(b) or 4310(f), then a campaign is required. This means that, provided the Coast Guard can satisfy the requirements of 46 U.S.C. 4310(f), a campaign will be conducted whenever the Coast Guard feels it is necessary, regardless of the opinions of the manufacturer. It also means that if a manufacturer believes a particular problem creates a substantial risk of personal injury to the public, a campaign will be conducted, and no determination by the Coast Guard is required.

A.6. c. When the Coast Guard is convinced that a campaign is not required, the matter will not be treated as a campaign. If, for example, a manufacturer forwards a copy of a notice sent to consumers without commenting as to the applicability of the statutes, as long as the Coast Guard is convinced it is not a campaign situation, then it will not be treated as a campaign.

d. The only time the Coast Guard does not need to determine if a campaign is warranted, is when the manufacturer voluntarily conducts a campaign. In all other situations the Coast Guard must make a decision.

7. Notification to Conduct Campaign.

a. For campaigns voluntarily initiated under 46 U.S.C. 4310(b), the appropriate letter will be written to the manufacturer. Because this is in agreement with the intent of the statutes, manufacturers should be encouraged to start campaigns voluntarily in all cases, except those involving a petition for an exemption.

b. Voluntary campaigns will be monitored and administered identically to those which are ordered by the Coast Guard.

c. The purpose of the Campaign Evaluation System is to monitor all active campaigns and to record all that are inactive. This is necessary because public news releases describing all active recall campaigns are made quarterly. If a campaign were to be monitored only by an OCMI, the public would never be made aware of its existence through news releases. As a result, all affected units may not be located. In addition, not only would failure to release this information be unfair to the other manufacturers whose products are listed, but the Coast Guard could be considered negligent for failure to release this information to the public. The Campaign Evaluation System is also used for statistical analyses, program evaluation, and budgetary justification.

8. Reasonable time. 46 U.S.C. 4310(b) requires that notification be made within a reasonable time after the manufacturer becomes aware of the defect/noncompliance. Section 179.05 sets this time at a maximum of 30 days. Section 179.11 gives the manufacturer 30 days either to notify his first purchasers or to furnish the Coast Guard with justification for failure or refusal to notify. However, manufacturers should be encouraged to make earlier notification when possible, particularly when serious defects exist.

9. Rebuttal Under 46 U.S.C. 4310(f). When a manufacturer is directed to conduct a campaign under the authority of 46 U.S.C. 4310(f), the law provides the company with an opportunity to present opposing views on the matter. Nothing in this manual is intended to restrict a company's right to present information in its own behalf, whether the matter relates to a noncompliance or a defect. Headquarters will answer the manufacturer directly on any rebuttal.

10. Monitoring Responsibilities and Techniques.

a. Ensure the manufacturer responds within the time allowed, with either the DNR or a rebuttal.

b. Enforce 33 CFR 179.13 with regard to both the requirement to send the Coast Guard concurrently a copy of each notice, bulletin, or other communication, and the requirement to explain within the allotted time why any of the required information is missing.

c. Ensure that notification is given in the manner prescribed in 46 U.S.C. 4310(c)(1). ("Registered return receipt" mail is considered to meet the requirements of "certified.")

d. Enforce the requirement of 33 CFR 179.07 that any notice given by "more expeditious means" is in writing and is more expeditious.

e. Initiate an immediate press release if the seriousness and urgency appear to warrant it and the manufacturer's actions are not adequate.

f. Ensure that the notification contains all the required elements of 46 U.S.C. 4310(d) and 33 CFR 179.09.

A.10. g. Correspond with the manufacturer and take whatever other action is necessary, either to get the campaign started or to resolve that a campaign is not appropriate.

h. Review the proposed corrective action in accordance with the guidelines that follow in this chapter and in the Composite Compliance Checklist.

i. Check that the manufacturer is exercising "reasonable diligence" in the notification.

11. Approval/Review of Corrective Action. Coast Guard legal interpretation of the 46 U.S.C. Chapter 43 indicates that since the Coast Guard has the authority to define when a noncompliance or safety defect exists, the Coast Guard may exercise its authority to say whether a particular corrective action will correct the noncompliance or safety defect. In compliance matters this policy is usually very easy to apply. With regard to safety defects, however, it is frequently impossible to "approve" a particular corrective action until it has been tried. Sometimes a manufacturer might have to conduct a second campaign if there is evidence that the first campaign was ineffective, which can be very costly and time-consuming. For these reasons, the Coast Guard must carefully review a manufacturer's intended corrective actions as soon as they become available. If the Coast Guard believes or knows the intended actions are inadequate, the manufacturer must be directed to take other action or be advised of the consequences of having to do the campaign over. When a OCMI questions the suitability of intended corrective action the matter shall be referred to Commandant (G-NAB) for determination.

12. Unreasonable or Inappropriate Corrections. Occasionally a manufacturer may choose a course of corrective action which, in the opinion of the Coast Guard, appears to be inappropriate or requires an unreasonable amount of effort or skill on the part of the consumer. Advise Commandant (G-NAB-6) if you feel that a manufacturer's corrective action is inadequate or inappropriate. Some examples which have occurred:

a. requiring a consumer to transport the boat long distances to be able to take advantage of a retrofit or repair program, without reimbursement;

b. altering capacity plates by scratching out and/or scribing in information or requiring the consumer to do this;

c. requiring the consumer to apply fiberglass;

d. requiring the consumer to use tools that are not common to most households; or

e. sending consumers a check for $10.00 with a letter telling them to go out and buy 2 cubic feet of foam.

13. Reports.

a. The Defect Notification Report (DNR) and Campaign Update Report (CUR) forms provide a means of fulfilling the requirements of 33 CFR 179. Though we strongly urge manufacturers to use them, their use is not mandated by law. A written report in any format is acceptable as long as it provides the required information. Missing information can be obtained over the telephone, but the file should clearly show how and when this information is acquired. Any "assistance" provided the manufacturer must not be construed as Coast Guard endorsement of the facts in the report or of the actions proposed by the manufacturer. Complete telephone reports without any written confirmation from the manufacturer are discouraged. Regardless of the format used by the manufacturer, the Coast Guard will utilize a DNR form for each campaign, to keep account of the necessary data.

b. G-NAB will provide each OCMI a summary of all open and closed campaigns and cases upon request. A retrieval report will be provided upon request for all open campaigns within their zone. Upon receipt of summaries and retrieval reports, OCMIs shall review them and report discrepancies to G-NAB-6.

A. 14. Reasonable Diligence.

a. 46 U.S.C. 4307(a)(3) requires the manufacturer to exercise reasonable diligence in conducting campaigns. We have relied on the records maintained by the manufacturers as the source for the names and addresses of owners. The mail back warranty card is a satisfactory method of maintaining a first purchaser list. Unfortunately, many purchasers do not notify the manufacturer when they buy or sell a boat. For that reason, many recall campaigns have been closed out when only one third of the owners have been notified.

b. Our policy is to require additional efforts on the part of manufacturers in finding and notifying the owners of defective boats or associated equipment. There are several additional sources of information for the names and addresses of boat owners which are available to the boat manufacturer.

c. The manufacturer usually knows which dealer sold the boat. Even if that dealer is no longer in business, they usually know the name of the principal owner of the dealership and can contact that person at home.

d. State licensing authorities are required to supply information from their boat registration files for legitimate boating safety purposes.

e. Since most people purchase boats from dealers near their home or where they use the boat, the manufacturer can use local newspaper advertising to locate owners.

f. A recall campaign will not be considered successful unless at least 80 percent of the owners of the product have been notified by the manufacturer. If it is necessary to close a campaign with less than 80 percent notification, the manufacturer must show substantial evidence of having exercised diligence in attempting to locate the owners.

g. If the manufacturer has not exercised reasonable diligence in notifying the owners, the Coast Guard may take appropriate steps to complete the notification, including the use of a press release warning the public of the potential hazard in that product.

15. Dealer Cooperation in Conducting Campaigns.

a. The Coast Guard considers the Defect Notification Program a team effort and marine dealers have a special role in this effort. They have the first purchaser lists necessary for the proper notification and correction in a campaign. Dealers should be encouraged to properly record the "warranty card" information to include the names and addresses of purchasers of particular products.

b. Presently there are several serious flaws in the Coast Guard's regulatory authority, i.e., the regulations do not require a dealer to assist in keeping first purchaser records. Although the statutes now provide this authority, no regulations have been written to implement it. BSC 1-73 spelled out some of these responsibilities. In the meantime, dealer cooperation in these areas must be encouraged.

16. Criteria For Press Releases. Occasionally, a press release, separate from the quarterly listing of active campaigns in the BSC is advisable. The potential advantages of a separate news release must be weighed carefully and the impact on the manufacturer must be considered. If a nationwide release is required it will be made by Headquarters.

17. Campaign Procedures for "Out of Business Manufacturers".

a. A manufacturer who is found to be producing noncomplying or defective boats is required to conduct a Defect Notification Campaign at the company's sole cost and expense. Should a manufacturer be out of business when the defect is discovered, alternative methods of notification and correction will have to be used. Commandant (G-NAB) staff will:

(1) Send a news release if the company sales are national in scope and if a separate release is considered necessary.

A.17.a. (2) Publish a list of out of business manufacturers and the affected products in the BSC and provide a means for owners to find out how to correct the problems.

b. There are no provisions for the Coast Guard to make the correction. Although a manufacturer who fails to conduct a Defect Notification Campaign is subject to civil penalties, this does not provide a meaningful solution when retrofit is desirable and the manufacturer is financially incapable of recall and correction. In the case of a marginal manufacturer, attempts should be made to work out a suitable arrangement with the company whereby compliance may be achieved, perhaps over a longer period of time or in some other manner, so that the manufacturer is allowed to remain a viable entity. Similar special efforts should be extended where the company is already in receivership as a receiver may want to continue business.

18. Authority to Close. Only Commandant (G-NAB) may authorize the closing of a campaign.

CHAPTER 10 — FACTORY VISIT/INVESTIGATIVE AUDIT

A. AUTHORITY. 46 U.S.C. 4309 gives the authority to inspect factories, other facilities, books, papers, records, and documents necessary to determine compliance with the statutes and regulations issued thereunder.

1. General.

   a. A major part of compliance monitoring in the field is the "Factory Visit Program." This program consists of visiting manufacturers and importers for the purposes of both education and enforcement. The Factory Visit Program has been formally defined by Coast Guard Headquarters to consist of three major elements: (1) The Informal Factory Visit, (2) The Technical Factory Visit, and (3) The Factory Investigative Audit.

   b. The Factory Visit Program is actually a method of field compliance monitoring as a part of the overall "enforcement" effort. It is the initial part of a complete enforcement program. The other elements are fully discussed elsewhere in this manual.

2. Informal Factory Visit. The Informal Factory Visit is one of the ways the Coast Guard educates the boat manufacturer in the requirements of the Federal boat safety standards and regulations. It is a basic educational effort meant to present the Coast Guard and the regulations to the manufacturer. It is not intended to be an inspection of the factory. It should take no more than 1 to 2 hours.

3. Technical Factory Visit. The Technical Factory Visit is the primary method of checking manufacturer compliance with standards and regulations. Where evidence of noncompliance is found the Technical Visit is also the first line in standards enforcement. A notification campaign and/or civil penalty action could result. The Technical Factory Visit is also a further and more intensive step in educating boat manufacturers in Federal safety standards. Technical Factory Visits shall be conducted by Standards personnel.

4. Factory Investigative Audit. The Factory Investigative Audit is meant to be a thorough investigation of a particular problem. It should result in sufficient documentation for valid analysis and evaluation since an order to initiate a defect notification campaign or the imposition of a civil administrative penalty on the manufacturer may follow. The Factory Investigative Audit can be limited to gathering specific information if desired.

5. Factory Visit Program.

   a. The OCMI develops and organizes a Factory Visit Program that includes all manufacturers/ importers inside geographical zone boundaries.

   b. Informal Visits, Technical Factory Visits and Factory Investigative Audits shall follow the guidelines below. The goal is to visit all the manufacturers of boats subject to standards in the OCMI zone once a year and all manufacturers of boats not subject to standards once every three years. In addition, all manufacturers should be visited as soon as possible but no later than 6 months after the manufacturer identification code is issued. Investigative Audits will be on an "as needed" basis. All other visits should be informal.

6. Conduct During An Informal Factory Visit. The following basics are expected to be observed:

   a. Arrange in advance to call on the manufacturer at a mutually convenient time.

   b. Carry a current copy of Subchapter S with you. If the company needs a copy of Subchapter S, give them information on how to obtain one and information on how to obtain copies of the test procedures and compliance guidelines (see Appendix 3). Explain the general provisions of the statutes and the standards and regulations published under their authority.

7. Conduct During a Technical Factory Visit.

   a. The following guidelines are relevant to arranging, conducting, and reporting a Technical Factory Visit:

A.7.a.

(1) Write to the company stating the specific purpose of the visit and suggesting a time.

(2) Ask to be shown the plant, the production process, the products.

(3) Ask to inspect current products in order to look for:

(a) Noncompliances with Federal regulations that are manufacturer requirements;

(b) Noncompliances with Federal regulations that are operator requirements; and

(c) Manufacturing practices for which voluntary industry safety standards and recommended practices are available.

b. Once the inspection is completed, another meeting should be held with management. Point out violations or potential violations of Federal regulations that involve required standards. You may detect potential noncompliance items that cannot be confirmed by mere inspection (e.g., capacity figures may appear too large, amount of flotation seems insufficient). Discuss these and review management's calculations and test procedures. Obtain a list of dealers, if possible. This list will help the test laboratory locate the product for purchase if the decision is made to have it tested. Point out noncompliances with Federal regulations which are operator requirements. Suggest that he consider voluntary compliance in this area, not only to help create good customer relations, but also to increase boating safety. Practices observed that are related to voluntary industry standards should also be discussed. Tell the manufacturer that voluntary industry safety standards and recommended practices (ABYC, SAE, and others) are available. Tell the manufacturer that the company will receive a written followup report of all violations noted.

c. Appendix 4 provides an example of a Factory Visit Followup Letter where there were suspected instances of noncompliance. Even when there are no indications of noncompliance the letter should not make a statement that the manufacturer's products are found to comply. Instead, it should indicate that there were no indications of noncompliance detected by Coast Guard personnel on this particular visit.

d. Appendix 6 contains a checkoff sheet to assist in factory visits. If OCMI personnel revisit a manufacturer within a short time after an initial visit to followup on the case, it is not necessaryto submit additional forms unless there is a substantial change. If the additional visit is at least six months later, then the appropriate form will be resubmitted. The purpose of these forms is to provide data so that the OCMI can monitor this aspect of the Compliance Program and plan for improvement where possible. In order to reduce paperwork it is not necessary for the OCMIs to forward to G-NAB a copy of every routine letter that is sent to a builder after a Factory Visit.

8. Conduct During a Factory Investigative Audit.

a. A Factory Investigative Audit may be required for a variety of reasons, so a certain amount of flexibility in its conduct is necessary. Basic investigative methods are ordinarily effective. The auditors, however, may need help or cooperation. They are encouraged to ask for it from any appropriate source in their District or from G-NAB. Experience will provide specific "do's and don't's" for conducting a Factory Investigative Audit. During the learning process though, the success of each audit depends directly on the tact and ingenuity of the people who conduct it.

b. Notification of Audit. Although previous notification to the manufacturer or importer is not required by legislation, as a matter of practice, previous notification should be provided in terms of the exact time, approximate duration, and names of those persons who plan to be present. The authority directing the audit should also specify the intent of the audit and the information desired. Notification can be made either verbally (telephone call) or in written form using the letter shown in Appendix 4. Prior notification should normally pave the way to a cooperative audit arrangement. Verbal confirmation of the audit arrangements should be made to provide the required access to both facilities and records.

B. GATHERING EVIDENCE

1. Types and Forms of Evidence.

a. General. One of the major objectives and activities during any Investigative Audit is the evaluation of the facts which were gathered during the audit activities to determine the appropriate evidence to support the case being investigated. Evidence is defined as follows: "any species of proof, or probative matters legally presented at the trial of an issue by the act of the parties, and through the medium of witnesses, records, documents, concrete objects, or for the purpose of inducing belief in the minds of the court or jury as to their contention." Should the case be prosecuted by the Coast Guard or be appealed by the manufacturer/importer leading to court action, the Coast Guard should possess evidence which is both admissible and substantial. In order for the evidence to be admissible it should be acceptable from the following standpoints: (1) relevance (2) materiality and (3) competence.

(1) Relevance. Deals with and bears directly upon the issues involved.

(2) Materiality. Has an effective and legitimate influence or bearing on the question of issue (Remote evidence of no practical value in determining the issues would be considered immaterial.).

(3) Competence. In a form to provide direct, appropriate proof for the particular issue (Example: photograph of fractured structural element).

NOTE. In addition to the need for the evidence to be admissible as defined above, the degree of evidence should be substantial.

(4) Substantial. Adequate from a standpoint that a "reasonable mind" would accept it to support a conclusion; of such quality and weight to be sufficient to justify a "reasonable man" in drawing an inference of the fact which is sought to be sustained; strong enough to raise a prima facie presumption of fact.

(5) "Hearsay evidence". Hearsay evidence should be avoided due to its association with an individual who is then subject to questioning to establish his credibility in proving evidence.

b. Admissability of Evidence.

(1) The rules of evidence involving competence, materiality, and relevance apply to both "oral" and "documentary" forms of evidence. In the case of oral evidence it is the witness who is "speaking;" in the case of documentary evidence it is the document which is "speaking." Admissability of documentary evidence, as well as oral evidence, is subject to many tests. Generally the admissability of a document will depend upon the circumstances under which it was prepared, the acceptability of the contents relative to the rules of evidence, whether or not it constitutes the best available evidence, and the point sought to be proven through the use of the documentary evidence.

(2) Evidence may be further categorized as either direct or indirect. Direct evidence tends directly to prove or disprove a fact in issues. For example, if a person has actually observed a particular act performed and he testifies as to the act observed, his testimony is classified as direct evidence. Indirect evidence does not by itself tend to directly prove or disprove an act, but in combination with other facts or circumstances it may lead to an inference of the existence or non-existence of a fact at issue. Indirect evidence is also referred to as circumstantial evidence, and it always involves inferences which may be drawn from related facts concerning the facts which are in dispute. The problem with sole reliance upon circumstantial evidence lies in the possiblity of the many incorrect inferences which could be drawn from its use. Although direct evidence is desired in supporting a case, it may be necessary to obtain all available circumstantial evidence as it relates to that case.

B. 2. Procedures for Obtaining Evidence.

a. Some prior thought should be given to the process of gathering evidence during the Investigative Audit, particularly where it involves obtaining evidence from the facility of the manufacturer or importer. As stated previously, the first requirement is to assure access to both the required facilities and to responsible individuals within the manufacturing or importing firm who can actually participate in the audit activities. This is especially important in the systematic gathering of information where the intent is to use as much of the information as possible as evidence to support the case of a defect or noncompliance.

b. The particular case should be evaluated insofar as possible by Coast Guard representatives in their own office facility before the audit visit to the manufacturer/importer facility. The detailed nature of the defect/noncompliance should be questioned in terms of the specific nature of evidence that would directly support the Coast Guard position for the particular defect/noncompliance. For example, if there is a potential noncompliance related to the quantity of flotation material used to meet the Flotation Standard, some evidence is needed to substantiate the amount of material actually used by the manufacturer for the boat model in question. This evidence could be in the form of a brochure, design data sheet, or manufacturing instructions in the case of a small manufacturer or possibly an inspection record in the case of a larger manufacturer or importer. If no record of any kind is kept to document the quantity and type of flotation material used, then it might be necessary to consider obtaining a written statement from the manufacturer's representative or photographs of a boat at a stage of construction that visually reveals the quantity of flotation material. A verbal statement from the manufacturer concerning the amount and type of flotation material would be the least desirable form of evidence.

c. Before the visit plans should be made to prioritize the items of evidence desired in the order of their value. This short planning effort should greatly reduce the time required for the audit, and aid in the orderly obtaining of desired items of evidence during the actual confrontation with the manufacturer/importer.

d. During the audit at the manufacturer/importer facilities, the Coast Guard representative should verbally request those records of interest. If the manufacturer/importer allows the Coast Guard representative to have visual access to these records, the CG representative should read the documents in the presence of the manufacturer's/importer's representative. A Coast Guard representative who desires the record (or photostatic copy) should make the request immediately after reading the item. If the manufacturer/importer refuses to allow the Coast Guard representative to take the record (or photostatic copy), then a careful notation should be made of the detailed nature of the record and its exact location within the facility. If the desired item of evidence is a statement from the manufacturer/importer, they should be briefed on the nature of the statement which is sought. If the response is of interest to the Coast Guard, then the Coast Guard representative should document the essence of the statement during the visit. The Coast Guard can then prepare a formal typed statement, identifying the purpose of the document and return the document to the manufacturer for signature and dating. If possible, a witness to the signature should be obtained at this time.

e. In general, documented evidence should be sought whether it involves a record or documented statement of the manufacturer/importer. There are some general guidelines which will increase the potential value of documented evidence in the case as follows:

f. All documents which may be of value should be collected. They should be collected in an individual manner such that each can be physically separated for its individual use without impacting or damaging the other items of documentation.

g. Each document should be identified by title, date, author, and addressee to be of greatest value for a numbered exhibit.

h. Be certain that the document is the best of its kind available; the best is an "original" document and the next is a properly certified direct copy of the original (photostatic or other facsimile). The next best is a certified typewritten copy. All certified copies of documents must be made

B.2.h. (cont'd) directly from the original; a copy of a copy would become "documentary hearsay." This type of document should be avoided due to potential problems involved in using the evidence to effectively support the case.

3. Meeting.

a. A meeting is generally held at the start of the audit where the Coast Guard checklist of desired information and records is reviewed to ensure their specific availability during the audit. This meeting may be a "preaudit" meeting conducted sometime before the beginning of formal audit activities to permit necessary preparation time for the manufacturer. During this meeting the manufacturer/importer should be notified of the current status as viewed by the Coast Guard. Also inform the company that any evidence obtained by the audit may be used by the Coast Guard in assessing penalties for violations observed. At the conclusion of the audit activities, a meeting should be held with responsible members of management to summarize the accomplishments of the audit, and to determine any outstanding action areas for the manufacturer/importer.

b. When the audit results are completed, the Coast Guard representatives shall submit an Audit Report to the authority who ordered the audit, i.e., Commandant. A copy of all material should be retained by the unit performing the audit to provide for future report reference and in case any of the information is lost. The Audit Report should be completed in accordance with the guidelines that follow.

c. When documents are identified and located during the audit visits, but the Coast Guard is not permitted to remove them from the premises, the Coast Guard (OCMI and Headquarters) should coordinate with the District legal office and evaluate the desirability of obtaining these documents by the use of a subpoena. Where the OCMI makes an evaluation leading to a subpoena decision, Coast Guard Headquarters should be notified of the decision and the detailed identity of the items of evidence to be subpoenaed. If a decision is made to obtain documents by means of a subpoena, the Coast Guard representative should take the information concerning the identification and location of the documents (obtained during the audit visit) to the nearest U.S. Attorney's Office. All the information needed to process the subpoena should be provided.

4. Investigative Reports.

a. General. Investigative reports serve to document and report the results of either safety defect investigations or investigative audits. The report may be made in standard letter format. The report should consist of a preliminary statement, followed by findings, conclusions (based on well-documented findings), and recommendations (which flow logically from conclusions):

(1) Preliminary Statement. The preliminary statement should be a short outline of the subject of the report and its background. Enclosures may be used to "set the scene." Also included should be a complete description of the product(s) involved, including name, address, and phone number of the owner when applicable. The attitude and degree of cooperation by boating industry personnel should be commented on here. Lastly, a summary of the investigating officer's movements should be given.

(2) Findings of Fact.

(a) Format. The findings of fact constitute the investigation's presentation of the evidence received. The findings must be as specific as possible as to times, places, persons and events. A time proven system is to list the facts as they occurred. In the case of an audit, it may be preferable to list the facts as they were discovered during the audit.

(b) Evidence. While it is not necessary to support every finding of fact with enclosures of physical evidence, every fact must be supportable by evidence.

(c) Photographs. Photographs are frequently the most useful enclosures to investigative reports. Photostatic copies of photographs, however, are generally useless and

B.4.a.(2)(c) (cont'd) should not be used in reports. If time does not permit timely duplication of the photographic prints, the original prints should be forwarded with the report, with a request that they be returned to the cognizant OCMI after review.

b. Audits.

(1) In order to build a comprehensive picture of the manufacturer's situation at the time an audit is conducted, it will be necessary to give enough background information to show why an audit was necessary. When a manufacturer has been unresponsive, copies of correspondence, including certified mail return receipts and telephone conversation sheets, should be enclosed in the case file as supporting evidence to indicate the degree of unresponsiveness.

(2) In some instances, a manufacturer may simply have improperly complied with a Federal standard and the audit is conducted solely to determine the number of boats produced and marketed with the discrepancy. Cases of this kind will generally require very little background information and the audit should attempt to discover the measures the manufacturer took to comply, as well as the actual number of noncomplying boats produced.

(3) In all audits documentary evidence is desirable to establish the following:

(a) the number of boats manufactured with the noted discrepancy;

(b) the HIN's of the affected boats;

(c) a list of dealers/distributors;

(d) the number of first purchaser records available for the affected boats; and

(e) action the manufacturer may have taken to correct the discrepancy.

(4) In order to properly document any violations, additional information stated in 46 USC 1484(c) should be obtained from conversations with company officials and observations of the plant itself.

(5) The audit report should include an itemized listing of each item of evidence which has been identified by the audit, including detailed identification, content, and location. Items desired, but not received, should be flagged in this report as recommended items to be obtained at a later date or obtained by subpoena as necessary.

c. Safety Defects. The normal investigation of a potential safety defect begins after a consumer complaint or boating accident report. States are charged with investigating most fatal boating accidents.

CHAPTER 11 — CIVIL ADMINISTRATIVE PENALTY (CAP) PROCEDURES

A. AUTHORITY. Enactment of the Federal Boat Safety Act of 1971 (now recodified as part of Title 46, United States Code) authorized the Secretary of the Department in which the Coast Guard is operating to assess and collect any civil penalty incurred under the statutes.

1. Policy.

a. The policy of the Coast Guard is to obtain correction of a safety problem first, with consideration of penalty action second. No attempt should be made to assess a penalty against a manufacturer who is cooperative while in the process of attempting correction. Only after the corrective action is completed, or in the exceptional case of a manufacturer completely failing to comply with the law, should penalty action be pursued. In all cases, whether or not a penalty is assessed or collected, the primary emphasis is to attempt to correct the problem to place safe boats in the hands of the boating public.

b. In each case of a violation of the statutes the violator is liable for an administrative penalty. The determination as to whether or not to assess a penalty or issue a warning remains a judgmental decision based on the evidence available.

c. Section 1.07-10—Reporting and investigation— of Title 33, Code of Federal Regulations reads as follows:

"(a) Any person may report an apparent violation of any law, regulation or order that is enforced by the Coast Guard to any Coast Guard facility. When a report of an apparent violation has been received, or when an apparent violation has been detected by any Coast Guard personnel, the matter is investigated or evaluated by Coast Guard personnel.

(b) Reports of any investigation conducted by the Coast Guard or received from any other agency which indicate that a violation may have occurred are forwarded to the District Commander of the district in which the violation is believed to have occurred. The OCMI reviews the reports to determine if there is sufficient evidence to establish a prima facie case. If there is insufficient evidence, the case is either returned for further investigation or closed if further action is unwarranted. The case is closed in situations in which the investigation has established that a violation did not occur, the violator is unknown or there is little likelihood of discovering additional relevant facts. If it is determined that a prima facie case does exist, a case file is prepared and forwarded to the Hearing Officer, with a recommended action. A record of any prior violations by the same person or entity, is forwarded with the case file."

2. Injunctive Procedures.

a. In the event that a manufacturer continues to violate any provision of the statutes after all applicable requirements have been fully explained; e.g., continues to sell noncomplying boats, fails to undertake defect notification as required, or fails to provide information which the Coast Guard has requested, then the Coast Guard may petition the courts to grant an injunction to restrain such violations. The provisions of 46 U.S.C. 4311(e) apply.

b. Injunctive action is not punitive in nature but merely forces the manufacturer's compliance. Failure to comply after an injunction has been issued has the effect of placing the manufacturer in contempt of court.

c. If injunctive relief is deemed the only avenue of enforcing the requirements of the statutes, then the entire case shall be referred to the District legal officer for action, and notification of the referral made to Commandant (G-NAB-6). District (dl), after review, will forward the case to Commandant (G-LCL) for possible referral to the U.S. Department of Justice.

CHAPTER 12 — PRODUCT TESTING

A. PURPOSE. The purpose of product testing is to provide documented, empirically accurate data. The data is used to determine whether a boat complies with the regulations or to evaluate potential safety-related defects.

1. General. Product testing is performed by independent test laboratories under contract to the Coast Guard. The contractor purchases products selected by the Coast Guard on the open market without the prior knowledge of the manufacturer. The laboratory performs tests as directed and forwards the results to Headquarters (G-NAB-6) where the information is used to determine what action is necessary.

2. Headquarters Action. Headquarters will:

   a. provide technical requirements and contract administration;

   b. coordinate OCMI testing recommendations;

   c. review, evaluate, and distribute test reports to OCMIs and manufacturers;

   d. determine whether noncompliance or safety related defects exist; and

   e. direct the commencement of campaigns when necessary.

3. OCMI Action Concerning Testing Recommendations.

   a. OCMI personnel should always look for boats and equipment that do not comply with regulations and safety standards when they visit manufacturers, dealers, or boat shows:

      (1) Look for a boat that probably will fail flotation.

      (2) Select a model representative of a large production run.

      (3) Choose a boat that is relatively inexpensive (under $6000) with inflation considered.

   b. A boat selected because of special attention such as an accident or media attention may not fall into the above general selection profiles. Forward likely candidates to Headquarters immediately.

   c. Headquarters will maintain a data base on the computer and will update it whenever candidates are received from the OCMIs. Headquarters will send a printout of the candidate list to each OCMI quarterly, sorted by OCMI. Each OCMI should review it for accuracy and currency.

   d. The priorities are described below and on the candidate forms (see Appendix 4) so that each OCMI can apply them uniformly. Add any additional information on the forms that is useful. Although the listed priorities will cover most candidates, do not hesitate to flag cases where they are not appropriate or where there are extenuating circumstances:

      (1) Priority One: Test boat candidates for immediate testing. Highly probable that this boat will fail, or for some special reason, a test is needed as soon as possible. Not routine testing, e.g. the candidate model was involved in a boating accident in which the boat, which should have had level flotation, sank.

      (2) Priority Two: Routine testing. Boats we definitely want to test and it is probable that they will fail the loading or flotation tests, but we can test in an orderly, routine fashion. Most nominations are Priority Two.

      (3) Priority Three:

         (a) New manufacturers whose boats were never tested before, e.g.- SINKER BOAT WORKS has been in business only a year, but they produce several hundred boats per year in two different models. The standards officer went to the plant and

A.3.d.(3)(a)

(cont'd) examined the boats, but isn't certain they will pass flotation. These candidates might pass. Both models are nominated for testing.

(b) Models from manufacturers that previously failed testing; e.g.- NOFLOAT BOATS makes four models. We have tested two models and they failed. The other two models are nominated for testing.

(4) Priority Four: Boat models from manufacturers whose boats were tested before, but the company has more than one plant. This may mean testing the same model twice, but each boat is from a different plant. These candidates might pass; e.g.- BUMBOATS has 10 factories and makes about 100,000 throw away boats a year. We have tested models from their Bowie, Maryland plant. However, boats from their Corpus Christi plant were never tested. Even though the Bowie boats passed, we should test boats from their other plants as well.

e. An estimate of annual production information, by model, is vital to determine the effect that testing a particular candidate will have on the safety of the public.

f. As a rule, G-NAB tries not to purchase boats exceeding $6000. If there is a special reason why a boat that exceeds $6000 should be tested, provide an explanation on the candidate form.

g. Assume that engine packages from big marine suppliers comply. Headquarters will inspect and/ or test them from time to time. For specific engine components, and other components, if compliance is suspect and prima facie evidence of compliance cannot be found, request such evidence (or testing) from Headquarters. Headquarters will try to maintain points of contact with component suppliers and will contact these people on behalf of OCMIs, rather than each OCMI trying to do this on its own.

4. Test Procedures.

a. The statutes provided for Coast Guard development of test procedures for verifying compliance with standards and regulations developed under the statutes. The test procedures are developed primarily for Coast Guard compliance testing purposes only; however, they provide the manufacturers an important reference document. A test procedure exists for each performance standard. These procedures are very exact in terms of the technical implications of each standard. Their objective is to ensure that boat or associated equipment models which are actually tested for compliance (and meet the test requirements) do in fact comply with the standards.

b. Although the standards and regulations appearing in the Code of Federal Regulations (Title 33) present the official legal requirements, the test procedures provide the official criteria the Coast Guard uses as evidence that the product meets the technical requirements of the standards and regulations. A further objective of the test procedures is the inherent repeatability of test results. Good repeatability on a given product is a requisite for any effective technical test reference, providing a consistent means for making a compliance/noncompliance decision. Test procedure documents are available to manufacturers upon request, even though there is no requirement for them to formally demonstrate compliance to these specific test procedures. They are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (see Appendix 3).

CHAPTER 13 — APPLICABILITY

A. DEFINITION OF A BOAT

As used in the regulations, " 'Boat' means any vessel —

(1) manufactured or used primarily for noncommercial use;

(2) leased, rented or chartered to another for the latter's noncommercial use; or

(3) engaged in the carrying of six or fewer passengers."

This is essentially the same definition which appears in 46 U.S.C. 2101.25.

"Vessel", according to 1 U.S.C. Section 3, includes every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on the water.

1. Products Subject to Standards.

   a. When OCMI personnel have a question as to whether a particular product is subject to the regulations, they should refer the matter to Commandant (G-NAB-6). Some of the criteria which Headquarters uses in determining whether the regulations apply are:

      (1) Does the craft provide total buoyant support for one or more persons? An apparatus that pulls a swimmer through the water would therefore not be considered a boat.

      (2) Is the product either sold with or designed for use with some type of propulsion system? The use of arms and legs alone for propulsion, without some type of additional gear, such as paddles or oars, does not constitute a propulsion system.

   b. In the absence of a clear-cut, all-encompassing definition of a boat, there are other criteria used in determining the applicability of the regulations:

      (1) Is this particular watercraft being used to any significant extent as a water toy or swimming aid?

      (2) Is this particular watercraft designed or intended by the manufacturer to be used as a boat?

   c. The first determination is, to a certain degree, beyond the control of the manufacturer. Many products are capable of being used as a boat even though the manufacturer does not design or intend them to be used as such. The second determination is directly influenced by the actions of the manufacturer:

      (1) If the manufacturer does not intend for the product to be used as a boat, has it been marked with appropriate information to the consumer that it is not intended for such use? Has the manufacturer of this particular watercraft advertised or marked it as a pool toy or swimming aid rather than a boat?

      (2) In advertising, the manufacturer's wording and pictures should be consistent with the intended use of the product. An advertisement that states that the product is a toy, for example, should not show the product in a lake occupied by a man wearing a fishing hat with a fly rod in hand.

2. Exceptions to the regulations. The Safe Loading, Safe Powering, Display of Capacity Information and Flotation Standards except all sailboats, canoes, kayaks and inflatable boats in their applicability sections. G-NAB policy has been to apply these exceptions to these boats when they are manufactured and sold under the narrow definition of the type of boat. Boats with inflatable portions which do not provide the primary buoyancy for the boat, generally are not considered inflatables. A "rigid inflatable," on the other hand, is still an inflatable because its primary buoyancy comes from the inflatable portion of the boat.

A. 3. Sailboat/Rowboat/Runabout. As for combination craft, such as a boat that can be used as a sailboat, rowboat or powerboat, the Coast Guard considers several elements in deciding how to enforce the regulations: In the case of the small sailing craft, how does the manufacturer advertise the product, and is the boat sold exclusively with all sails and rigging? Thus, if one sailboat model is advertised with strong concentration on the optional power or rowing capability, it would be considered a boat subject to the standards. A second model, extensively advertised as a sailboat with only casual mention of its possible use as a rowboat or with an outboard motor, would be considered a sailboat and would not be subject to the regulations. Changes in a manufacturer's sales literature from year to year could change a boat's status.

4. Canoes and Kayaks.

a. At the present time there is no Coast Guard definition of a canoe. In the absence of a definition of our own, we are using the ABYC definition:

"A watercraft, hereafter called a canoe, designed to be manually propelled or equipped with a low horsepower motor, whose ends do not have a transverse dimension greater than 45% of the maximum beam and whose length to beam ratio is as specified below:

Canoe Length	Length/Beam Ratio
14 ft or less	3:1 to 5:1
over 14 ft to 16 ft	4:1 to 6:1
over 16 ft	5:1 to 8:1

b. The manufacturer's rated horsepower should not be greater than that recommended by the same ABYC Standard: less than 15 feet, 3 HP; 15 to 18 feet, 5 HP; over 18 feet, 7.5 HP.

5. Airboats. While normally used in shallow or marshy waters, airboats are occasionally used in relatively deep water. They are not considered "surface effect vessels" and are subject to the Flotation Standard as it relates to inboard powered boats. Most airboat manufacturers have received exemptions from some sections of the Electrical and Fuel System Standards. New airboat manufacturers should be offered similar relief from the application of these two standards.

6. Raceboats.

a. In considering what boats may be termed "raceboats," be aware that every boat can be raced, but few boats are manufactured solely for racing. Boats which are marketed or purchased for the dual purpose of racing and pleasure are not considered "raceboats."

b. A manufacturer of raceboats for use solely in sanctioned races may apply for an exemption from applicable regulations.

c. Instances have been found where raceboats are operated by first purchasers who are not licensed or qualified by a sanctioning body as are raceboat drivers. For each raceboat manufacturer that applies for an exemption or an extension of an existing exemption, Headquarters will notify the cognizant OCMI to conduct a factory type audit to determine whether the manufacturer is a bona fide raceboat manufacturer. Petitions for exemptions and petitions for extensions will be denied to manufacturers found to be attempting to get around the regulations by posing as raceboat manufacturers. A denial would force the manufacturer to bring affected boats into compliance with applicable regulations.

7. "Multi-hulled" Boats.

a. Coast Guard standards covering Safe Loading, Safe Powering, Display of Capacity Information and Flotation apply to monohull boats less than 20 feet in length. Paragraph 183.3(e) defines a monohull boat as a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve.

b. Some manufacturers have built boats that appear to be multihulls; however, when the boats have

A.7.b. (cont'd) been immersed in water carrying their designed loads during compliance testing, they have developed single waterline footprints.

c. Any recreational boat which appears to have a waterline which forms more than one closed curve after having been immersed in water before loading, but which becomes one waterline after being loaded with manufacturer indicated weight, and with weights simulating the maximum horsepower capacity, will be tested for compliance with all applicable regulations. The passenger weight will be distributed in accordance with the seating arrangement.

d. All inboard powered boats less than 20 feet in length will be treated the same as outboard powered boats. Each inboard powered boat will be tested with a weight that simulates the weight of the largest engine offered by the manufacturer for that model. Testing will be discontinued only if the boat clearly displays a two or three footprint waterline when loaded as described above.

B. EXEMPTION REQUEST PROCEDURES

46 U.S.C. 4305 gives the Coast Guard the authority to issue exemptions to any provision of the statutes or regulations and standards issued thereunder, if it considers that boating safety will not be adversely affected. In order to justify a Grant of Exemption, petitioners must be able to show why it is impossible or impractical for them to make their boats comply with applicable standards or regulations and how the issuance of the exemption would not adversely affect boating safety.

1. Request for Exemption.

a. The Coast Guard has established a standardized approach for applying for an exemption. Although the standard format is preferred, an exemption request will be accepted in any form.

b. The request must be made by the manufacturer or importer who desires the exemption; however, OCMI offices may assist the manufacturer or importer in initiating the request. All requests for exemption are to be directed to Commandant (G-NAB), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

c. For each model for which the exemption is sought, the following basic information is required:

(1) full identification of the manufacturer/importer;

(2) identification of the standard or part of a standard from which relief is sought;

(3) arguments or data to justify granting of the exemption; and

(4) drawings or pictures of the models for which the exemption is sought.

d. The form letter in Appendix 4 is used by Headquarters in acknowledging the receipt of a petition for an exemption and requesting additional information. Manufacturers whose petitions contain all of the information requested in the letter are usually assured of a prompt evaluation of their request.

2. Evaluation and Decisions on Request for Exemption. The Auxiliary, Boating and Consumer Affairs Division at Coast Guard Headquarters is responsible for evaluating each exemption request and deciding whether to issue a grant or a denial. All Grants and Denials of Exemption are routed through the Regulations and Administrative Law Division at Headquarters for their evaluation.

3. Exemption Pending. Any manufacturer who has applied for an exemption should not be directed to comply with the regulations for which relief is sought nor should civil penalty action be instituted to force compliance pending resolution of the exemption request. Issue a warning to the effect that continued production and sale could result in the requirement to conduct Defect Notification and possibly civil penalty action if the request is denied. Inform the manufacturer that continued production and sale is at the company's own risk.

C. LEGAL INTERPRETATIONS

1. "Commercial Boat" Abuses.

   a. A significant number of small boat manufacturers are designating their boats "For Commercial Use," and several State boating officials have observed these craft being used for general recreational purposes. These boats usually are not equipped or built to meet Federal regulations, even though their manufacturers have produced recreational boats from the same molds. They may cost less than the same hull certified to meet Federal standards. Therefore, there is an incentive to sell the less expensive hull, the "For Commercial Use" hull, for recreational purposes. The major concern is not the commercial fisherman who may occasionally use the boat for a family outing, but the individual who never intended to use the commercial boat for commercial purposes.

   b. When several boats of the same model are being produced as "commercial" boats and are found in general recreational use, they should be examined. If they are not equipped with the proper certification labels and there is further evidence, such as the absence of labels saying "For Commercial Use," indicating that the manufacturer did not intend to build them to meet Federal standards, the following action should be taken: Civil Administrative Penalty procedures should be initiated by the OCMI having jurisdiction against one of the agencies selling to one of the first purchasers involved and against the boat manufacturer involved. The basis is a violation of 46 U.S.C. 4311 in conjunction with 46 U.S.C. 2101.25. If you are uncertain about the existence of a violation, consult Commandant (G-NAB-6).

   c. Give these actions wide publicity among all boat dealers and manufacturers in order to alert them to the potential penalties for such sales.

2. Boats Shown at Boat Shows.

   a. Boats are frequently observed at boat shows that are improperly certified and in noncompliance. These boats are usually being exhibited for sale and are thus subject to the Federal requirements. There is a lack of regulations pointed to the situation.

   b. In the interim, no compliance action should be instituted against a manufacturer found in noncompliance at a boat show except as follows:

      (1) Advise the cognizant OCMI as soon as possible (include the HINs of boats involved).

      (2) The cognizant OCMIs should advise the manufacturer that boats cannot legally be sold in the condition as displayed.

      (3) The cognizant OCMIs should schedule a routine check of the manufacturer, with usual followup.

3. Manufacturer's Responsibility for Boats Sold as Salvage. A manufacturer may sell a damaged boat as salvage. Before such a sale is closed, the manufacturer should, in the company's own interest, remove all identification such as brand name, HIN code and company name plates. A manufacturer who sells a boat as salvage is not required to disclose engineering data to the salvor. The salvor assumes sole responsibility for rebuilding the boat in compliance with all applicable standards and regulations. In doing so the salvor becomes the manufacturer.

4. Educational or Charitable Institutions as Manufacturers.

   a. What is the Coast Guard's policy concerning educational, charitable, or similar insititutions which are manufacturing boats? Although it is not our intention to disrupt the good work such institutions may be doing, the statutes do not consider the reasons a manufacturer started in business, only that a boat building business exists.

   b. An educational, charitable, or similar institution which manufactures boats for sale shall be considered a manufacturer just as any other. The amount of profit, if any, is immaterial to this

C.4.b. (cont'd) decision. If, however, the institution manufactures boats merely for the use of the persons involved or for training, and not for sale, then they shall be considered backyard boat builders. If the former case is true, some care must be exercised in any dealings with the institution to ensure that any good or charitable work is not disrupted and yet still ensure that safe boats are manufactured for sale.

5. Backyard Boatbuilders.

a. For the purposes of the regulations, manufacturer means "any person engaged in the manufacture, construction, or assembly of boats or associated equipment." The term "engaged" means more than a single act or transaction and is ordinarily understood to refer to an occupation or employment or continued activity. The term "manufacture" has been construed to mean the whole process by which an article is made ready for sale in the open market.

b. At the same time, 46 U.S.C. 4307(a) prohibits the manufacture, construction or assembly of boats and associated equipment unless they comply with regulations issued under the authority of the statutes.

c. All backyard boatbuilders are expected to build their boats to comply with the same requirements as regular manufacturers of recreational boats. However, our current enforcement policy is to refrain from actively enforcing compliance with the regulations for backyard boatbuilders.

d. To this end we will continue to publish CG-466 and will assist any backyard boatbuilder who asks for help. We will point out that insurance coverage may be denied if a boat is built that does not meet the standards. We will also point out the vulnerability of the builder in a liability suit if a boat is built to a lower level of safety than that provided by the standards. We will require that an HIN be assigned but will take no action to enforce any other Federal regulation relating to boat construction.

e. The assigning of HINs is discussed in Chapter 2. Boats which are to be leased, rented or chartered, or engaged in carrying six or fewer passengers, however, are considered subject to all standards.

6. Marina and Repair Yard Responsibilities.

a. Current regulations apply only to boat and associated equipment manufacturers, not to dealers, marinas, or repair yards. Neither the statutes nor the regulations make any qualifications concerning new or used boats. They speak only to boats in general. A dealer, marina, repair yard, etc., could become a manufacturer depending on the amount and/or type of work performed. However, the point at which repair work ends and manufacturing begins is not clearly defined. Therefore, this must be determined on a case-by-case basis.

b. In the case of work which does not amount to manufacturing, we would have no recourse against the repair facility. They should be encouraged, however, to do the work as nearly as possible in accordance with the regulations and good industry practice. We should point out the vulnerability of the repairer in a liability suit should the work be done to a lower level of safety than that provided by the standards and common industry practice.

c. In the case of work which does amount to manufacturing, the manufacturer must comply with all applicable regulations. Only work performed must comply. Old systems installed before the effective date of the standard would not have to be done over if they would otherwise be left alone. No additional certification plates are required on the boat; however, the manufacturer must certify to the purchaser in writing and should keep a copy for his records. For new boats, any work covered by a regulation done on a boat prior to delivery to the first purchaser for purposes other than resale shall be considered manufacturing.

d. The primary criteria are that any repairs, alterations, etc., should not degrade the level of safety which was originally built into the boat. We do not want repair/alteration work to be inspected on a routine, factory visit basis. Instead, this will be monitored through consumer complaints

C. and accident investigations.

7. Equipment Manufacturer Installation Instructions.

a. The failure of any pleasure boat builder to follow the installation instructions supplied by the manufacturer of a piece of equipment when installing that equipment in his boats may be considered to be grounds for declaring that a substantial risk defect exists in that boat or boats. This is particularly true if the failure to follow instructions results in a hazardous situation which the instructions are designed to help avoid.

b. OCMI personnel shall report all such incidents to Headquarters when in their judgment the safety of the public is involved. Standard reporting procedures shall be followed.

8. Prohibited Advertising.

a. Occasionally a manufacturer may improperly imply that his product has been endorsed by the Coast Guard by using words such as "Coast Guard Approved" or "Coast Guard Certified" on the product or in the sales literature. Sometimes the Coast Guard stripe is used the same way. When this happens, check to be sure that the product does not fall within the authority of the Office of Merchant Marine Safety, and if it does not, advise the manufacturer by letter to cease the illegal display immediately.

b. It is recommended that portions of 14 U.S.C. 639 (reproduced below) and 46 U.S.C. 4307(a)(2), if applicable, be included in the letter and that the manufacturer be requested to respond, indicating the corrective action taken. Use of the term "Made in accordance with U.S Coast Guard Specifications" or similar phrases, may or may not be proper, depending upon the equipment referred to. The Federal law (14 U.S.C. 639) provides:

"No individual, association, partnership, or corporation shall, without authority of the Commandant, use the combination of letters "USCG," or "USCGR," the words "Coast Guard," "United States Coast Guard," "Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," "Life Saving Service," or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that such individual, association, partnership, or corporation shall falsely advertise or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, dealsin, or sells, has in any way been endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than $1,000, or imprisoned not more than one year, or both."

CHAPTER 14 — IMPORTED BOATS

A. DEFINITION

"Import" or "importation" means to introduce or cause the introduction of a boat(s), associated equipment, or components thereof to be sold for subsequent assembly, into the Customs territory of the United States.

1. General Applicability of Effective Standards to Importers.

   a. Importers, as manufacturers, are subject to the same regulations and standards as domestic manufacturers. Notice that no distinction is made as to whether a boat or item of associated equipment is imported for sale. Therefore, it is illegal to import a boat or item of associated equipment unless it meets Federal requirements, even if it is for personal use and not for sale.

   b. However, the Coast Guard would not consider an importer acting as an agent for another party to be a "manufacturer" if his business were customarily conducted in the following manner:

      (1) He does not at any time own title to boats. The general guideline to keep in mind is that the money or other consideration he receives from the domestic purchaser must not be payment for the boat itself, but rather a fee for the brokerage or negotiatory services rendered. He may, however, send letters of credit or bank drafts to the foreign manufacturer on behalf of the domestic purchaser to begin construction of boats. It is understood in this last instance that as a broker he may guarantee the financial responsibility of the client to the foreign manufacturer.

      (2) Acting in this manner does not, in itself, indicate ownership of boats. If, however, the domestic purchaser defaulted on the contract and the broker paid for completed boats, and subsequently brought them into the Customs territory of the United States for the purpose of sale, he would be considered the importer, and hence, a "manufacturer," by the Coast Guard.

   c. The boats must be consigned to the domestic purchaser. A consignee is treated by U.S. Customs as the importer of record. The broker or agent may take actual delivery of boats at a port of entry and may also, as a reimbursable service to the domestic purchaser, pay the U.S. Customs duties on the boats. Again, the principle involved is that he is taking possession of the boats, not as owner or purchaser, but as an agent or broker acting for the domestic purchaser to whom the boat(s) will be delivered.

2. Current Coast Guard Policy on Regulations for Imported Boats.

   a. The certification label and capacity label requirements now apply to all monohull boats less than 20 feet in length whose contruction began on or after 1 November 1972, except sailboats, canoes, kayaks and inflatables. The certification label requirement also applies to all boats with inboard gasoline engines used for electrical generation, mechanical power or propulsion whose construction began on or after 1 August 1977. At least one hull identification number (HIN) is required on all recreational boats whose construction began on or after 1 November 1972.

   b. The statutes apply to vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of the United States, and on the high seas for vessels owned in the United States.

   c. No person may import into the United States any boat or associated equipment unless it conforms to applicable standards and regulations. The regulations contain the requirements for three labels: a certification label, hull identification number (HIN) and capacity information label.

   d. The U.S. importer of a boat shall identify that boat with a hull identification number (HIN), unless the foreign manufacturer already affixed an HIN. In other words, either the importer or the foreign manufacturer may affix the HIN, as long as one of them does. The U.S. importer is responsible for the correctness of the HIN.

A.2. e. Current U.S. Customs procedures permit a boat to enter without an HIN and/or certification label only if the importer/consignee files a declaration form (CG 5096) to the effect that the required label(s) are not affixed. The importer or consignee is required to post a bond with U.S. Customs for the value of the boat until the boat is brought into compliance. The declaration is forwarded to the U.S. Coast Guard.

f. The date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the port of entry.

g. The regulation for HIN's requires that importers attach the HIN. The regulation says that only those persons required to attach an HIN may request an ID code. Manufacturer ID codes will be issued, therefore, only to U.S. importers. The ID code will be utilized to indicate to the Coast Guard the party responsible for defect notification under 46 U.S.C. 4310.

3. Exemptions From Specific Standards and Regulations. At this time, importers are subject to all of the requirements of effective standards and regulations. Individual importers may request a specific exemption from one or more standards/regulations that apply to a specific boat (model). The procedure defining the request for exemptions is the same as for the U.S. manufacturer.

4. Special Provisions for Imported Boats. In addition to the normal requirements stemming from the application of the statutes and effective standards/regulations, there are some special provisions which are discussed below.

5. Customs Declaration Regarding Compliance.

a. The Department of Transportation and the Bureau of Customs, Department of the Treasury, have jointly developed requirements to control the admission of noncomforming boats and associated equipment into the United States after November 1972.

b. In general, the legislation admits products evidencing compliance as follows:

(1) Products having a certification label affixed to them; and

(2) Boats having an HIN affixed to them.

c. Persons importing products not evidencing the above will be able to get them released from entry only if they fall within one of the six categories listed below; file a proper declaration; and meet the conditions for entry specified for each category.

d. The declaration must indicate which of the six categories describes the noncompliance situation. One of those six categories is that the products are not in compliance with one or more standards or regulations, and the importer agrees under posted bond to correct the deficiencies within a 180-day period following importation. If the product is not brought into conformity within 180 days after entry or within an additional period allowed by the District Director, the product must be delivered to the District Director or the bond will be forfeited and the importer will also subject himself to possible civil administrative penalties. The other five categories will admit the described noncomplying products without the need of bringing them into conformity. These categories are as follows:

(1) products manufactured before standards or regulations are in effect;

(2) products exempted from standards or regulations by Coast Guard exemption;

(3) certain products entering the United States for repair or alteration;

(4) products owned by certain foreign governments, international organizations personnel, or by a non-resident for personal use; or

(5) certain products entered for tests or experimentation.

A.5. e. The U.S. Customs Service uses a Coast Guard developed declaration form, CG-5096, to provide Commandant (G-NAB-6) with information concerning the compliance of imported boats with applicable Coast Guard safety standards. Importers and customs brokers who are seeking copies of CG-5096 should be referred to the U.S. Customs Service, the only stockpoint for the forms. The CG-5096 forms are listed in the Appendix Section "Other Agency Forms " in the U.S. Customs Service Forms Catalogue. The actual stocking point for the CG-5096 Declaration form is: National Distribution Center, 6026 Lakeside Boulevard, Indianapolis, IN 46278.

6. Customs Inspections of Imported Products. When recreational boats and associated equipment are imported to the United States, the Customs Service's field inspector looks for labels evidencing compliance with applicable Federal regulations, specifically, HINs and certification labels. If the required labels are affixed, for the purposes of Customs inspection, the products are in compliance.

7. Headquarters Actions Upon Receipt of Declaration Form CG 5096. Commandant (G-NAB-6) notes and processes certain data on (CG-5096). Any inquiries concerning imported boats should be referred to Commandant (G-NAB-6) which will communicate directly with U.S. importers and appropriate U.S. Customs field offices.

8. Visits to Major Importers. All major importers shall be visited as "manufacturers" under the guidelines established in Chapter 11. Since the MSD regulations fall under 33 CFR 159, they are not considered as part of the joint effort between the Coast Guard and Customs primarily because the MSD regulations are not SAFETY related.

CHAPTER 15 — DEALERS

A. BACKGROUND

Although primary compliance responsibility rests with the builder of a boat before it can be offered for sale, there are occasions when noncomplying boats might be offered for sale. G-NAB-6 was asked about dealer responsibility in selling a used boat previously taken in trade, when the dealer knows the boat is in noncompliance with requirements in effect on the date of manufacture.

1. Guidelines Concerning Dealer Responsibility for Used Boats.

   a. Emphasis will continue, as in the past, to enforce compliance leading up to the "first purchaser." However the prohibitions of 46 U.S.C. 4307 apply to used boats as well as new boats.

   b. The first purchaser and any other purchaser-user may alter the boat in any manner he chooses. Use of the altered boat becomes an operator responsibility.

   c. Any person in the business of selling or handling of boats for sale, i.e. a dealer (new or used), may not sell a boat known to be in noncompliance.

   d. The burden to prove knowledge of noncompliance is placed on the enforcement official.

   e. When there is reason to believe a boat is in noncompliance, the current owner, be they user or a sales facility should be so informed. Advise them that use or possible injury from use of the boat could lead to liability problems and possible conflicts with operator requirements.

   f. Should a dealer alter or repair a used boat to such an extent that it may become defective or noncomplying, the Coast Guard would consider that dealer to be the manufacturer.

2. Dealer/PLM Responsibility for Unsold Noncomplying Boats.

   a. Dealers or private label merchandisers (PLM) having prior notice of a noncompliance are prohibited from selling these boats even though they have not participated in the manufacturing process. This prohibition extends to all such sales whether they be to a consumer, another dealer/ PLM or a manufacturer and even if the buyer plans to correct the noncompliance before he resells it.

   b. A dealer or PLM who sells a boat despite having prior notice that it does not comply is subject to either civil penalties or injunctive proceedings. Prior notice can be one of two types, (1) actual notice by the Coast Guard or manufacturer or (2) constructive notice based on a standard of "due care." Due care means that the dealer, at the time of sale, knew or had reason to know, that the boat did not comply. However, it is very difficult to prove that a dealer has had constructive notice. Therefore, enforcement will be easier if actual notice is given to as many dealers as is possible immediately following the discovery of the noncompliance and at least before other remedial steps are taken.

   c. Unless a dealer or PLM participates in the manufacturing process, he is not required to conduct a notification campaign, even if he is aware that a noncompliance exists.

   d. Having on hand an inventory of noncomplying boats, a dealer or PLM may make corrections. A dealer or PLM who does so, assumes the role of manufacturer and in turn must comply with all standards and regulations applicable to the boat.

   e. In situations where the manufacturer has "gone out of business" without leaving any tangible assests, the dealer or PLM has little choice but to correct the boats himself if he is to be relieved of their financial burden.

CHAPTER 16 — TRAINING AND QUALIFICATION IN THE BOATING STANDARDS PROGRAM

A. GENERAL

This chapter outlines the training program which all personnel, civilian and military, are expected to undertake upon their assignment to a Boating Standards Program office in the OCMI. Headquarters personnel will take part in a similar program which will be included in the Boating Safety Division training schedule.

1. Training Subject Details.

   a. The Boating Standards Program is based on public laws, the Code of Federal Regulations, manuals, policy documents and papers, and electronically stored data files. The reader must develop a working knowledge of all of them.

   b. The training program is based on the level of responsibility of the position in the office and the time required to reach the required degree of understanding. It is to be hoped that training will be finished sooner than scheduled. Remember too, that this program is the minimum training program. All OCMIs are urged to augment it with other training to meet their individual needs.

   c. The training program will be supplemented by various seminars and Headquarters visits to OCMI offices. These will be scheduled and funded by Headquarters.

2. Reading. Read and Understand:

   46 U.S.C. Chapter 43 (Public Law 92-75 as amended)

   Title 33 CFR, Parts 159, 179, 181, and 183.

3. Factory Visit. The factory visit program is discussed in Chapter 11. Accompaniment of newly assigned personnel on a factory visit by more experienced personnel is initially required.

4. Formal Training. Attend Coast Guard training and industry training as available and as funding permits.

CHAPTER 17 — ADMINISTRATIVE

A. OCMI/HEADQUARTERS RESPONSIBILITIES SUMMARY

In general, OCMIs are responsible for initiating all actions relating to noncompliance cases, with the exception of determining corrective action for certain product testing failures.

1. General OCMI responsibilities. The following are the general responsibilities for OCMI personnel:

   a. Conduct a regular factory inspection/audit program in accordance with the Boating Standards Manual (COMDTINST M16761.2B) for the purposes of assuring manufacturer compliance with Federal regulations.

   b. Train the boating industry personnel in regulations and standards compliance, defect notification and related programs.

   c. Respond to written and oral inquiries from the boating industry concerning Federal regulations.

   d. At the direction of Commandant (G-NAB), investigate consumer complaints concerning boats and associated equipment as necessary to determine whether safety related defects or noncompliances exist.

   e. Gather information for and initiate necessary civil administrative penalty actions.

   f. Provide input to the Coast Guard recreational boat Compliance and Defect Testing Programs.

   g. Ensure professional development, education and training of OCMI staff.

   h. At direction of Commandant (G-NAB), investigate boating fatalities occurring beyond the territorial waters of the U.S. for which there is no State investigation and which may provide information on defects or noncompliances.

   i. Maintain contact with all segments of the boating industry within the region. Keep aware of needs and problems of this industry.

   j. Maintain a current list of boat and associated equipment manufacturers in the region.

2. Principal Headquarters Responsibilities. The following are the principal responsibilities for Headquarters Boating Standards/Compliance personnel:

   a. Develop policy and providing interpretive assistance on compliance requirements;

   b. Conduct product testing;

   c. Monitor defect notification campaigns;

   d. Set mission performance standards for factory visit program;

   e. Review and forward product testing reports to OCMIs;

   f. Maintain and distribute composite listings of all active cases and campaigns;and

   g. Maintain consistent enforcement policy among the OCMIs.

3. Computer Printouts.

   a. Commandant (G-NAB-6) will send the OCMIs the following regular printouts:

      MIC Listing (all mfrs., 2 part)
      OCMI MIC Listing
      OCMI MIC Update
      OCMI Dealer Listing

A.3. b. Changes may be entered into the data banks by returning an annotated copy of one of the printouts to the appropriate Headquarters Division. In addition, form CG-5093 may be used to update MLS or MICs data banks (see Appendix 13). Customized printouts may be available by submitting a request to Commandant (G-NAB-6).

4. Contact With OEM's and National Organizations. Frequently, contact with an OEM or a national organization (such as NMMA or ABYC) by a local Coast Guard activity may be construed as an official Coast Guard policy or request when this may not have been the intent. Continuity of policy or procedures on a national basis could be jeopardized. To assist in maintaining a uniform approach across the nation these rules should be followed:

a. Original Equipment Manufacturers (OEMs). OCMIs are encouraged to provide guidance to anyone in their zone who has an impact on accomplishing compliance with the standards. Communications with anyone who is not subject to the standards (at present, anyone who is not a boatbuilder) should be phrased in advisory terms, rather than mandatory terms. However, a copy of any correspondence must be forwarded to Commandant (G-NAB-6) if the OEM's distribution extends beyond a single zone (the usual case). Some matters may be most expeditiously handled by referring them to Headquarters for correspondence with the OEM.

b. National Organizations. Contact with national organizations or organizations which cross OCMI boundaries should normally be handled through Headquarters.

CHAPTER 18 - COAST GUARD AUXILIARY

A. HISTORY AND MISSIONS

1. References : 33 CFR, Part 5; 14 U.S.C. 821 et seq.; COMDTINST 16798.8

2. Purpose: The Coast Guard Auxiliary is a volunteer, nonmilitary organization comprised of owners of boats, aircraft and amateur radio stations. Its members receive no pay for their services. Congress created the Coast Guard Auxiliary to:

   a. Promote safety and to effect rescues on and over the high seas and on navigable waters.

   b. Promote efficiency in the operation of motorboats and yachts.

   c. Foster a wider knowledge of, and better compliance with the laws, rules and regulations governing the operation of motorboats and yachts.

   d. Facilitate other operations of the Coast Guard.

B. USE OF THE AUXILIARY IN THE RBS PROGRAM

1. Guidelines for use of Coast Guard Auxiliarists in the Recreational Boating Standards Program. General Coast Guard policy for use of the Coast Guard Auxiliary is set forth in COMDTINST 16798.8. The use of the Auxiliary to provide administrative or record keeping functions at Coast Guard facilities can improve the quality and quantity of factory visits by regular Coast Guard personnel to recreational boat manufacturers. Administrative support activities may include: maintaining manufacturer files, making appointments for visits by the regular Coast Guard representative or mailing informational packets on boating safety.

2. Training and qualification. Members of the Coast Guard Auxiliary shall not be assigned to specific administrative or recordkeeping duties until they have been found, after appropriate training and examination, to be competent to perform such duties:

   a. The Marine Safety Training and Qualification (MST&Q) booklet (with the exception of the resident training requirement) and this manual are recommended for use as guides for Auxiliarists in becoming familiar with the Recreational Boating Standards program. Training should be under the supervision of a qualified boating standards inspector.

   b. Auxiliarists are not authorized to attend the resident training course (MS 453R) at Reserve Training Center, Yorktown VA.

   c. Designation in writing by the OCMI. Auxiliarists who are found qualified to conduct administrative support of the Recreational Boating Standards Program will be so designated in writing by the OCMI.

3. Prohibited Actions.

   a. Auxiliarists are prohibited from participating in:

      (1) Factory visits; or

      (2) Investigative audits of recreational boat manufacturers; or

      (3) Any aspect of civil penalty actions against boat manufacturers.

   b. Auxiliarists with any business or personal interests in the commercial activities of boat manufacturers within the OCMI's zone are prohibited from participation in activities in support of the Recreational Boating Standards Program.

4. General Guidance: The Coast Guard Auxiliary has a proud tradition of service to the Coast Guard and to the United States boating public. The Auxiliary has established itself as a lead organization for the advancement of public education in boating safety. OCMIs should foster a spirit of

B.4. (cont'd) cooperation with local Auxiliarists to enhance the boating safety education aspect of the Recreational Boating Standards Program. OCMIs shall exercise good judgment to avoid assigning Auxiliarists to jobs which would place them in law enforcement roles contrary to the guidance contained in COMDTINST 16798.8. The Auxiliary is not to be used as a substitute for mission performance by OCMI personnel. Rather, the Auxiliary should be used to provide assistance to the OCMI to improve the quality and quantity of factory visits by regular Coast Guard personnel to recreational boat manufacturers.

APPENDIX 1

GLOSSARY OF TERMS AND ABBREVIATIONS

Act: (The) The Federal Boat Safety Act of 1971. Now Chapter 43 of Title 46, United States Code.

Approved: A term used to indicate Coast Guard approval of a specific item among the limited number that the Coast Guard has been directed by law to test and "approve." Some of these items are personal flotation devices, fire extinguishers, carburetor backfire flame arresters, distress signals, and certain types of life rafts. The standards program has not required "approval" of any boat or item of associated equipment.

Associated Equipment: (See also Designated Associated Equipment.) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; any accessory or equipment for, or appurtenance to, a boat; and any marine safety article, accessory, or equipment intended for use by a person on board a boat; but excluding radio equipment, as designated by the Secretary under 46 U.S.C. 2101.

Backyard Boatbuilder: Person(s) that build(s) a boat for his own use and not for the purposes of sale. A backyard boatbuilder may subcontract all work.

National Boating Safety Advisory Council (acronym NBSAC) A 21 member council, equally represented by industry, the public, and State Boating Law Administrators, with expertise, knowledge and experience in boating safety. The Council acts in an advisory or consulting capacity to the Commandant (See 46 U.S.C. 13110).

Boating Safety Circular (BSC): Published by COMDT (G-NAB) for free distribution to boat and equipment manufacturers, dealers, marinas, yacht clubs, OCMI personnel and other boating organizations. Information in the BSC concerns boating standards and boating safety in general.

Campaign: A Defect/Noncompliance Campaign Program carried out by the manufacturer and initiated under 46 U.S.C. 4310. Starts as a case. A Campaign may involve only one boat.

Case: An investigation of a particular boating problem or incident to determine if there is a substantial risk to the public or violation of the regulations. A case may become a campaign.

Certification: A manufacturer's statement that the boat he manufactures is subject to the Federal regulations indicated in the certification statement and has been designed and constructed to comply with those regulations.

Civil Administrative Penalties (CAP): Penalties that can be imposed for violation of the statutes. See 46 U.S.C. 4311 for violations of 46 U.S.C. 4307. Violation of any other provisions of the statutes or the regulations is covered under 46 U.S.C. 4311.

Code of Federal Regulations: (CFR) A codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Cognizant OCMI: The Officer in Charge Marine Inspection in which the manufacturer responsible for defect notification (or other corrective action) is located. Commandant (GMVI) directs specific actions for OCMIs to take in cases where a single cognizant OCMI cannot be identified.

Consumer Complaint: Oral or written communication from a consumer indicating a possible problem with a product.

Consumer Product Safety Act: Establishes the Consumer Product Safety Commission. Definition of consumer product does not include boats which are covered under the statutes.

Defect Notification System: A computerized system that enables the Coast Guard to monitor the efforts of boat and equipment manufacturers in complying with 46 U.S.C. 4310.

Designated Associated Equipment: Inboard Engine, Outboard Engine, and Stern Drive Unit. Specific equipment, besides completed boats, which has been designated in 33 CFR 179.03 as being subject to the requirements of 46 U.S.C. 4310. Other items of associated equipment may be the cause for recall of boats, but the manufacturers of those items of associated equipment are not subject to the requirement for recall.

Exemption: A temporary or permanent grant, license or form of legal permission given by an agency to deviate from a regulation or provision of law administered by that agency. Issued in response to a petition for relief submitted by an individual or company. The person or company may need relief from requirements of the regulation because of some unique or special circumstances which would prevent compliance in the usual manner. The exemption will often prescribe alternative methods of compliance that will still achieve the safety objectives. See 46 U.S.C. 4305.

Factory Investigative Audit: The presence of OCMI and other Coast Guard personnel at a manufacturing facility to gather information and evidence to prove or disprove violations of the statutes, or to investigate potential defects which may present substantial risks of personal injury.

Federal Boat Safety Act (FBSA)(The Act): Enacted by Congress on 10 August 1971, it gave the Coast Guard the authority to establish comprehensive boating safety programs, authorized the establishment of national construction and performance standards for boats and associated equipment and created a more flexible regulatory authority concerning the use of boats and associated equipment. Amended by the Recreational Boating Safety and Facilities Improvement Act of 1980 aka The Recreational Boating Fund Act of 1980 (The Biaggi Act) which provided financial assistance, in part through motorboat fuel taxes, for State recreational boating safety programs. Now recodified as Chapter 43 of Title 46, United States Code.

Federal Register: Daily publication which provides a uniform system for making regulations and legal notices issued by the Executive Branch and various departments of the Federal Government available to the public.

Federal Water Pollution Control Act of 1972: (FWPCA) Law passed in 1970 and amended in 1972 giving the Coast Guard a mandate to develop, among other things, marine sanitation device regulations.

Industry Briefing: (Standards) Appearance of Coast Guard standards trained personnel before a gathering of boat/associated equipment manufacturers and/or dealers.

Informal Factory Visit: A visit by Coast Guard personnel to a manufacturing facility to acquaint the manufacturer with the existence of the law, regulations, general administrative requirements affecting him, and possible penalties for violations.

Logo: A unique identification associated with a commercial firm which may appear on its product, stationery, etc.; may involve company name or symbol, in addition to other styling.

Manufacturer: "Manufacturer" means any person engaged in the manufacture, construction, or assembly of boats or associated equipment; the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or the importation into the United States for sale of boats, associated equipment, or components thereof.

Manufacturer Identification Code (MIC): Three-character identifier assigned by Headquarters on request to those manufacturers and importers defined under 33 CFR 181.31. First three characters of HIN.

Marine Sanitation Device (MSD): Any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

Noncompliance: Failure to comply with a standard or regulation issued under 46 U.S.C. Chapter 43, or with a section of the statutes.

Notice of Proposed Rule Making (NPRM): A public notice of proposed regulations required by law, which allows for public comments and scheduling of public hearings.

Personal Flotation Device (PFD): Lifesaving device approved by the Commandant under 46 CFR 160. (Life jackets)

Private Label Merchandiser (PLM): Any person engaged in the business of selling or distributing, under his own trade name, boats or items of associated equipment manufactured by another.

Product Testing: Defect and compliance testing to be carried out under contract from G-NAB.

Recreational Boat: Any vessel manufactured or used primarily for noncommercial use; leased, rented or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers (Uninspected Passenger Vessel).

Regulation: Any agency statement of general or particular applicability designed to implement, interpret, or prescribe policy in order to carry out the purpose of a law. Synonymous with "rule;" has the force of law.

Safety Defect: A defect in a product subject to the provisions of the 46 U.S.C. Chapter 43, which creates a substantial risk of personal injury to the public. The defective part or area may be under the provisions of 46 U.S.C. Chapter 43, and if so regulated, may or may not be in compliance with that standard.

Standard: Prescribes design constraints or performance requirements for boats and/or associated equipment. May be either a regulation or may be voluntary, such as an ABYC standard.

Technical Factory Visit: A visit of OCMI personnel to a manufacturing facility to check for compliance with standards and regulations, examine products and answer technical questions.

Test Procedures: Specifies the methods and equipment the Coast Guard uses in determining whether boats comply with applicable standards.

United States Code: Contains a consolidation and codification of all general and permanent laws of the U.S. Important Titles are: 14-Coast Guard, 19-Customs Duties, 33-Navigation and Navigable Waters, 46-Shipping, and 49-Transportation.

COMMON BOATING STANDARDS ABBREVIATIONS

Abbreviation	Meaning
ABC	Allied Boating Association of Canada
ABYC	American Boat and Yacht Council
ANPRM	Advance Notice of Proposed Rulemaking
ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWG	American Wire Gauge
BIA	Boating Industry Associations (now NMMA)
BOAT/US	Boat Owners Association of the United States
BSC	Boating Safety Circular
BYBB	Backyard Boat Builders
CAP	Civil Administrative Penalties
CFR	Code of Federal Regulations
CG	(U.S.) Coast Guard
CNG	Compressed Natural Gas
CUR	Campaign Update Report
D/NR	Defect/Noncompliance Report
EPA	Environmental Protection Agency

Abbreviation	Meaning
FBSA	Federal Boat Safety Act (of 1971)
FR	Federal Register
FWPCA	Federal Water Pollution Control Act
G-NAB	Auxiliary, Boating and Consumer Affairs Division
HIN	Hull Identification Number
IEEE	Institute of Electrical and Electronics Engineers, Inc.
LNG	Liquified Natural Gas
LPG	Liquified Petroleum Gas
MIO	Marine Inspection Office
MIS	Management Information System
MSC	Marine Safety Council
MSD	Marine Sanitation Device
MSO	Marine Safety Office
NAEBM	National Assoc. of Engine and Boat Manufacturers (now NMMA)
NASBLA	National Association of State Boating Law Administrators
NBSAC	National Boating Safety Advisory Council
NFPA	National Fire Protection Association
NMMA	National Marine Manufacturers Association
NPRM	Notice of Proposed Rule Making
NTIS	National Technical Information Service
OCMI	Officer in Charge, Marine Inspection
PFD	Personal Flotation Device
PLM	Private Label Merchandiser
RBS	Recreational Boating Safety
R&D	Research and Development
SAE	Society of Automotive Engineers
SAR	Search and Rescue
SBLA	State Boating Law Administrators
TIS	Technical Information Service
UL	Underwriters Laboratories, Inc.
U.S.C.	United States Code
U.S.C.A.	United States Code Annotated

APPENDIX 2

SOURCES

Endorsements

Trade associations such as NMMA and others compete for members among boat and equipment builders. UL and others compete for the testing business of these same builders. It is extremely important that we neither endorse nor discourage membership in or use of any particular group. Opinions as to the relative merits of one group compared to another are not to be offered.

NAME AND ADDRESS	SOURCE FOR
American Boat and Yacht Council, Inc. P.O. Box 747 Millersville, MD 21108 Telephone (301) 923-3932	"ABYC Standards for Small Craft"
American Bureau of Shipping 45 Eisenhower Drive Paramus, N. J. 07652	Design criteria for boats (over 30 ft.)
American Society for Testing and Materials 1916 Race Street Philadelphia, PA 19103	ASTM D-1621 "Compressive Strength of Rigid Cellular Plastics" ASTM D-1622 Apparent Density of Rigid Cellular Plastics," ASTM D-471
Boat Owner's Association of the United States 880 S. Pickett Street Alexandria, VA 22304 (703) 823-9550	Membership marine insurance, recreational boating lobby
BUC International Corporation 1881 Northeast 26th Street Fort Lauderdale, FL 33305 Telephone (305) 565-6715	Annual New Boat and Used Boat Directories
Commandant (G-staff symbol) U.S. Coast Guard Headquarters Washington, D. C. 20593-0001	Directives and publications listed in COMDTNOTE 5600 (Directives Index)
Commanding Officer Naval Publications and Forms Center 5801 Tabor Avenue Philadelphia, PA 19120 Telephone (215) 697-3325	Military Specification MIL P-21929B, dated 22 June 1970; most other military specs and standards
Institute of Electrical and Electronics Engineers, Inc. 345 East 47th Street New York, NY 10017	IEEE Standard 45
Lloyd's Register of Shipping 17 Battery Place New York, NY 10004	Design criteria for oceangoing vesssls
Westlawn Institute of Marine Technology 733 Summer Street Stamford, CT 06904 (203) 359-0500	Correspondence course in yacht design

National Fire Protection Assoc. Batterymarch Park Quincy, MA 02269 Telphone (617) 770-3000	Fire Protection Standards for Motorcraft (Pleasure and Commercial), NFPA 302 National Electric Code
NMMA 401 N. Michigan Avenue Chicago, IL 60601 Telephone (312) 836-4747	Certification Handbook (revised for each model year) Marketing data for smaller boats
National Technical Information Service 5285 Port Royal Road Springfield, VA 22161 Telephone (703) 487-4650	Compliance test procedures, guidelines, and miscellaneous Coast Guard sponsored reports
Society of Automotive Engineers 400 Commonwealth Drive Warrendale, PA 15096 Telephone (215) 247-9610	SAE Handbook (issued annually), SAE Standards: J378b, J1127, J1128 J557 and J1527
Society of Naval Architects and Marine Engineers 601 Pavonia Avenue Jersey City, NJ 07306	SNAME Technical and Research Bulletins; Some books (primarily for designers)
Superintendent of Documents U.S. Government Printing Office Washington, D. C. 20402	Copies of Code of Federal Regulations; Most CG numbered pamphlets
Underwriters Laboratories, Inc. Marine Department 12 Laboratory Drive Research Triangle Park, NC 27709 Telephone (919) 549-1565	UL Standard 1114
OR	
Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook IL 60062 (312) 272-8800	UL Standard 83

The following books are excellent references on the subjects of fiberglass boat design, construction, repair/alteration, and survey:

Gibbs and Cox, Inc. "Marine Survey Manual for Fiberglass Reinforced Plastics," Gibbs and Cox, Inc., New York (1962).

Cobb, Jr., Boughton, "Fiberglass Boats Construction and Maintenance," Yachting Publishing Corporation, New York (1965).

Duplessis, Hugo, "Fiberglass Boats (Fitting Out, Maintenance and Repair)," John DeGraff, Inc., Tuckahoe, New York (1964).

Engineers of Gibbs and Cox, Inc., "Marine Design Manual for Fiberglass Reinforced Plastics," McGraw-Hill Book Company, New York (1960)

American Bureau of Shipping, "Rules for Building and Classing or Certifying Reinforced Plastic Vessels."

APPENDIX 3

USCG BOATING STANDARDS TEST PROCEDURES, DESIGN GUIDELINES, AND COMPLIANCE GUIDELINES

NTIS ACCESS NUMBER	TEST PROCEDURE
AD A088172	USCG Safe Loading Test Procedure, October 1972, Revised January 1977.
AD A088173	USCG Safe Powering Test Procedure, October 1972, Revised March 1976.
AD A088174	USCG Flotation Standard Test Procedure, 1977.
AD A061922	USCG Electrical System Standard Test Procedure, Jan 1978
AD A061563	USCG Fuel System Standard Test Procedure Jan 1978
	COMPLIANCE GUIDELINES
AD A052758	Level Flotation Compliance Guideline Jan 1978
AD A049638	Electrical System Compliance Guideline Jan 1978
AD A047767	Fuel System Compliance Guideline Jan 1978
AD A114507	Ventilation System Compliance Guideline
	DESIGN GUIDELINES
AD A014093	Design Guidelines for Pressure Relief-Flame Deflectors for Inboard/Outdrive Recreational Boats
AD A055377	Control Station Design Concepts for Cabin Cruisers and Flying Bridges, Nov 1977
AD A055726	Control Station Design Concepts for Center Console, Deck and Pontoon Boats, Nov 1977
AD A055406	Control Station Design Concepts for Bass Boats, Bowriders, Runabouts, Skiboats and All Control Stations Designed for Sitdown Operation, Nov 1977

Appendix 2 contains the address for NTIS. Some materials without NTIS access numbers are available from Commandant (G-NAB).

APPENDIX 4

FORM LETTERS

POSSIBLE NEW MANUFACTURER
ABC Boat Company
Street Address
City, State Zip

Dear :

On you contacted the Coast Guard requesting procedures for becoming a boat manufacturer(/importer). Subsequently, we sent you a letter requesting additional information necessary to expedite your request. To date, we have not received this information. If you sent the information requested, please contact this office so we may correct our records. However, if you have not sent the requested information, you are advised of the following:

a. The manufacture (or importation) of recreational boats that do not comply with applicable regulations is a violation of Federal law. One of the regulations requires you to obtain a Manufacturer Identification Code. Contact this office immediately for code assignment. In addition, complete the enclosed form and return it as soon as possible.

b. If you have not manufactured any boats, and do not intend to do so, please contact this office. In addition, please indicate this on the enclosed form and return it as soon as possible, so that we may close your file. Please respond within 30 days. If you have any questions, please contact .

Sincerely,

Encl: (1) Manufacturer Data Form
(2) Return Envelope

FACTORY VISIT - NO BOATS MANUFACTURED
ABC Boat Company
Street Address
City, State Zip

Dear :

Thank you for the courtesies extended to the Coast Guard personnel who visited your company on . Since there were no completed boats available for a formal compliance inspection, we will make arrangements to visit your company again in the near future.

If there are any questions concerning the visit or the Federal regulations, please contact .

Sincerely,

CANNOT LOCATE MANUFACTURER
ABC Boat Company
Street Address
City, State Zip

Dear :

We have made several attempts to contact your company and all were unsuccessful. [OPTIONAL SENTENCE: In addition, Coast Guard personnel were in the area recently and were unable to contact you at the above address.] We want to make sure that our records are accurate. Please complete the enclosed information sheet and return it in the self-addressed envelope provided. [We will deactivate your Manufacturer Identification Code if we do not hear from you within 30 days.]

Sincerely,

Encl: (1) Manufacturer Data Form
(2) Return Envelope

FACTORY VISIT - NEW MANUFACTURER
ABC Boat Company
Street Address
City, State Zip

Dear :

This confirms our conversation on _____. Accordingly, Coast Guard personnel will visit your company during the week of _____ to answer any questions you have concerning Coast Guard safety regulations and to inspect your production.

As you know, Federal law places much of the responsibility for meeting boating safety requirements on the manufacturer. During this visit we will assist you in understanding and complying with the regulations. If there are any questions concerning the visit or the Federal regulations, please contact .

Sincerely,

MANUFACTURER ID CODE APPLICATION
ABC Boat Company
Street Address
City, State Zip

Dear :

This confirms our conversation of . Enclosed is an information sheet that, with the exception of the "Manufacturer Identification Code" section, you must complete and return to this office as soon as possible. Upon receipt of the information sheet, the Coast Guard will assign your company a Manufacturer Identification Code and will provide you with a copy of the Federal regulations applicable to your production. If you have any questions, please contact .

Sincerely,

Encl: (1) Manufacturer Data Form
(2) Return Envelope

COMPLIANCE TEST CANDIDATE

From: Commanding Officer Marine Safety Office _____

To: Commandant (G-NAB-6)

Subj: COMPLIANCE TESTING: Test Candidates

Ref: (a) COMDTINST M16761.2A

1. Please have the listed boats tested for compliance:

MANUFACTURER	MIC	PHONE
MODEL		
ANNUAL PRODUCTION	PRIORITY	PRICE
DEALERS: (provide at least one)		
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE

MANUFACTURER	MIC	PHONE
MODEL		
ANNUAL PRODUCTION	PRIORITY	PRICE
DEALERS: (provide at least one)		
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE

Priority 1: To be tested immediately. Highly probable this boat will fail. Or special reason to be tested as soon as possible. Not routine.
Priority 2: Routine testing. Definitely want to test. Probable that it will fail loading or flotation test. Can be tested on routine schedule. Most candidates should fall in this category!
Priority 3: (a) New Manufacturers. Boats have never been tested before. (b) Models from manufacturers that have previously failed testing.
Priority 4: Boats have been tested before but more than one plant. This model is from a different plant.

FACTORY VISIT FOLLOWUP
ABC Boat Company
Street Address
City, State Zip

Dear :

Thank you for the opportunity for the Coast Guard to visit your company on .
As a result of this visit, we noted that boats produced by your company are in possible noncompliance with the following Federal safety regulations:

BOAT MODEL -
Regulation -

Noncompliance -

Please inform this office, in writing, by _____ of the corrective action your company has initiated. Your correspondence should also indicate the number, model, or type of boats that were previously marketed with similar discrepancies.

If you have any questions concerning this matter or the Federal regulations, please contact .

Sincerely,

NOTE: If no noncompliances were observed during the factory visit, advise the manufacturer that no noncompliances were observed. Do not advise the company that everything complies.

APPENDIX 5

PUBLIC LAWS 93-637, 89-563 AND 92-573

Congress has passed several laws which pertain to the conditions of sale and the quality, reliability, and safety of manufactured goods sold in interstate commerce. It is important that Coast Guard personnel know and understand these because of their close relationship to the Federal Boat Safety Act of 1971. They are:

P.L. 93-637 "Magnuson-Moss Warranty—Federal Trade Commission Improvement Act," 4 January 1975

P.L. 89-563 "National Traffic and Motor Vehicle Safety Act of 1966," 9 September 1966

P.L. 92-573 "Consumer Product Safety Act"

Not all consumer complaints received by the Coast Guard are related to safety. The consumer may receive help through the application of one of these other laws. Early determination by standards personnel that a safety defect does or does not exist under the authority of 46 U.S.C. 4310 will reinforce the complainant's chances of receiving help from another Federal agency or from other State, county, or local consumer agencies. Standards branches should maintain a list of these agencies and their objectives.

The Magnuson-Moss Warranty-Federal Trade Commission Improvement Act applies to all consumer products manufactured after 4 July 1975; distributed in interstate commerce; and which are sold with a warranty, written or implied. The stated purposes of the law are to improve the adequacy of information available to consumers in connection with written warranties; prevent deception; and improve competition in the marketing of consumer products. The law provides alternative ways in which a consumer product business may comply with the law. It does not require consumer product manufacturers to issue written warranties. However, if they decide to issue them, the written warranties may be "limited" or "full." Section 104 "Federal Minimum Standards for Warranty" specifies the contents which a "full" warranty must have. If the written warranty does not meet these standards, then it must be identified as a "limited" warranty. Further, the law encourages those firms which issue written warranties to develop informal procedures for settling consumer warranty disputes. Issuance of deceptive warranties is forbidden by the Act and either the Department of Justice or the Federal Trade Commission is responsible for swift court action. This act does not eliminate the implied warranty provisions of State law.

The National Traffic and Motor Vehicle Safety Act of 1966 is of importance to the Boating Standards Program because the definition of "motor vehicle" (Title I, Sec. 102(3)) includes "any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways . . . ." A trailer designed to carry a boat is included in this definition. The design and construction of boat trailers are subject to this Act and are administered by the National Highway Traffic Safety Administration (NHTSA). The national consumer hotline toll-free number for NHTSA is (800) 424-9393.

The "Consumer Product Safety Act" specifically excludes boats subject to the provisions of the FBSA, thus recreational boats are not included in the Consumer Products Safety Commission (CPSC). Therefore, the Coast Guard has received and will continue to receive consumer complaints referred by the CPSC to the Coast Guard for resolution. These are to be examined and evaluated the same as any other consumer complaint. The national consumer hotline toll-free number for the CPSC is (800) 638-CPSC.

State or County consumer protection offices can usually be found in in the white pages of the phone book under State or County Government listings.

APPENDIX 6

COMPOSITE COMPLIANCE CHECKLIST

Instructions: This list is intended only to jog the memory of the user. It is not intended to provide details of the regulatory requirements. The code listed under "Action" indicates the type of corrective action that must be followed by a manufacturer for each noncompliance listed:

DN: notification required under 46 U.S.C. 4310

FP: correct in future production only (no DN required)

HQ: refer to CGHQ for determination of possible DN requirement

When Compliance Required: Imported boats must meet all manufacturer requirements before they leave the place of import. Domestically built boats must meet the certification requirements (and hence all safety standards) before they leave the place of manufacture or assembly for the purposes of sale, and the HIN requirements at the time of construction (before being moved in interstate commerce for any reason).

	MODEL 4	MODEL 3	MODEL 2	MODEL 1	ACTION CODE
A. DEFECT NOTIFICATION (33 CFR 179)					
Manufacturer is aware of 46 U.S.C. 4310 requirements	☐				
Mfr. has copy of the statutes and Part 179	☐				
Mfr. is keeping adequate 1st purchaser lists	☐				
B. CERTIFICATION (33 CFR 181)					
Boat has no certification label (either separate or combined)	☐	☐	☐	☐	FP
Boat has certification when none required	☐	☐	☐	☐	FP
Label does not contain:					
Name and address of Mfr., U.S. importer or PLM	☐	☐	☐	☐	FP
Correct certification statement	☐	☐	☐	☐	FP
Small outboard runabout using performance tests for determining maximum horsepower lacks special wording on certification label per 181.15(f)	☐	☐	☐	☐	DN
Characters are not at least 1/8"	☐	☐	☐	☐	FP
Inadequate contrast	☐	☐	☐	☐	FP

BOAT MODEL	4	3	2	1	
Method of affixing Certification Label					
Not affixed to show evidence of removal or alteration	☐	☐	☐	☐	FP
Label lacks required durability	☐	☐	☐	☐	FP
C. HULL IDENTIFICATION NUMBER (33 CFR 181)					
Mfr. does not place 2nd HIN on boats	☐	☐	☐	☐	FP
No HIN's on boat	☐	☐	☐	☐	DN
HIN does not consist of 12 alphanumeric consecutive characters	☐	☐	☐	☐	FP
First 3 characters are not Manufacturer's proper ID Code	☐	☐	☐	☐	FP
Characters (4 - 8) are serial numbers that utilize "I," "O" or "Q."	☐	☐	☐	☐	FP
HIN date of certification or manufacture:					
Character 9 is not (A - L) or Character 10 is not number (0 - 9)	☐	☐	☐	☐	FP
HIN model year:					
Characters 11 and 12 are not the last two digits of the model year	☐	☐	☐	☐	FP
Additional characters (if used) are not separated by borders or on a separate label	☐	☐	☐	☐	FP
Format errors so that boat or mfr cannot be uniquely identified	☐	☐	☐	☐	DN
Characters are not 1/4" high or higher	☐	☐	☐	☐	FP
Primary HIN not affixed -	☐	☐	☐	☐	FP

On boats with transoms-
To starboard outboard side of the transom within 2 inches of top of transom, gunwale or hull/deck joint, whichever is lowest; or
To the starboard outboard side of the hull aft, within 1 foot of stern and within 2" of top of hull side, gunwale or hull/deck joint, whichever is lowest.
On catamarans and pontoon boats with replaceable hulls-
to aft crossbeam within 1' of starboard hull attachment.

BOAT MODEL	4	3	2	1	
Duplicate HIN					
Not affixed in unexposed location on interior of boat or beneath fitting or item of hardware.	☐	☐	☐	☐	FP
Permanency of Primary HIN					
Not permanently affixed (method would fail to reveal an obvious attempt to alter or remove).	☐	☐	☐	☐	HQ
D. DISPLAY OF CAPACITY INFORMATION (SUBPART B OF PART 183)					
No U.S. Coast Guard Maximum Capacities label	☐	☐	☐	☐	DN
Label is incorrect format for boat type	☐	☐	☐	☐	HQ
Capacity Information not on yellow background	☐	☐	☐	☐	FP
Label not clearly visible to operator when getting boat underway	☐	☐	☐	☐	FP
"U.S. Coast Guard Maximum Capacities" used when not required	☐	☐	☐	☐	FP
Additional information (including certification statement on combined labels) is not less prominent than capacity information	☐	☐	☐	☐	FP
Persons Capacity not in pounds and number of persons	☐	☐	☐	☐	DN
Label does not meet durability requirements	☐	☐	☐	☐	HQ
Not affixed to show evidence of alteration or removal	☐	☐	☐	☐	HQ
E. SAFE LOADING (SUBPART C OF PART 183)					
Stated Maximum Weight Capacity (MWC) does not agree well with the following formulas: MWC = (51 x Length) + (273 x TW) - 1210 (TW stands for transom width) MWC = (.35 x BW) + (63 x Length) + (109 x beam) - 776 (BW stands for boat weight) MWC = (74 x length) + (224 x beam) - 1307 (lengths in feet & weights in lbs.)	☐	☐	☐	☐	HQ
Stated Maximum Persons Capacity (MPC) exceeds: .9 x MWC (boats rated for oars), or .9 x MWC - 25 (Boats rated 2 HP or less), or MWC (O/B's more than 2 HP & I/B's)	☐	☐	☐	☐	DN

BOAT MODEL	4	3	2	1	
Maximum Persons Capacity appears inappropriate for stability of boat (most significant for boats < 15' and < 5' beam/with very low sheer).	☐	☐	☐	☐	HQ

F. SAFE POWERING-CALCULATION METHOD (SUBPART D OF PART 183):

Horsepower ratings in excess of ratings shown below (provided accurate measurements can be taken):	☐	☐	☐	☐	FP

Max. Horsepower Per 33 CFR 183.53	Max. Horsepower Per Capacity Label
3 HP	greater than 5 HP
5 HP	greater than 7-1/2 HP
7-1/2 HP	greater than 10 HP
10 HP and over	greater than 5 HP above that authorized

Excessive horsepower ratings less severe than above	☐	☐	☐	☐	FP

G. SAFE POWERING - PERFORMANCE TEST METHOD
(183.53(b))(Evidence of use is special wording on certification label)

Maximum horsepower exceeds 40	☐	☐	☐	☐	DN
Maximum persons capacity exceeds 2 persons	☐	☐	☐	☐	DN
Boat lacks minimum 19" transom height; or Has 19" motorwell height but lacks minimum 15" transom height	☐	☐	☐	☐	DN
Boat lacks remote wheel steering	☐	☐	☐	☐	DN
Boat is longer than 13 feet	☐	☐	☐	☐	DN

H. FLOTATION (Subparts F, G and H of Part 183)

Quantity of flotation insufficient to support swamped boat with rated machinery weight, 25% of dead weight, and: 2/15 of PC (Subparts F & H), or 1/2 of 1st 550lbs. PC + 1/8 of remaining PC (Subpart G)	☐	☐	☐	☐	HQ
Location of flotation improper to meet level flotation requirements (Subparts G & H)	☐	☐	☐	☐	HQ
Flotation materials are not fully effective when submerged	☐	☐	☐	☐	HQ
Air chambers used for flotation are an integral part of the hull (except in Subpart H)	☐	☐	☐	☐	DN

BOAT MODEL	4	3	2	1	
Boat does not comply with two largest air chambers punctured (except Subpart H boats)					HQ
No flotation (except in wooden boats)					DN
I. ELECTRICAL SYSTEM (SUBPART I OF PART 183)					
Ignition secondary circuit lacks caps, boots & nipples					DN
Secondary circuit wiring does not meet SAE J557					HQ
Wire is not stranded insulated copper					HQ
Single conductors are not minimum 16 AWG					FP
#18 wires are not bundled and sheathed (or are more than 30" out of sheath)					FP
Pigtails over 7" do not meet requirements for all conductors					FP
Insulation on wiring of 50V or less does not meet SAE J378 or high voltage requirements					HQ
Insulation on wiring higher than 50V does not meet .435(a)					HQ
Wiring lacks chafing protection					FP
Conductor gauge and rating for each circuit not within limits of 425(b)/(c) & 435(b)					DN
Output from alternator/generator (except self-limiting types) not fused to 120% of their max. rating					DN
No fuses or manually-reset circuit breakers for overload protection					DN
No fuse or cir. brker between batteries & load (starter circuit exempt)					DN
No overload protection as required above within 72" of batteries					FP
Voltage rating of brkers/fuses not = or exceeds nominal circuit voltage					DN

BOAT MODEL	4	3	2	1	
Breaker/fuse amperage rating exceeds 150% of Table 5 value for smallest wire in each circuit (100% for high voltage circuits unless no breaker available)					DN
No overcurrent protection within: 7" of origin of circuit it is intended to protect, or 40" if unprotected part also has sheath					FP
Each elec. component in engine compartment: not ignition protected; or not isolated in accordance with 183.410(b)(2) or (3)					HQ
Elec. components outside engine compartment are not isolated from fuel sources (joints in fuel system) in accordance with 183.410(b), or ignition protected					HQ
Cranking motor circuits are not common grounded					FP
Batteries move more than 1" in any direction					DN
Positive pole of battery is not protected against shorting					DN
Batteries directly above or below fuel tank, filter or fuel line fitting					FP
Hydrogren gas can accumulate					DN
Battery terminal connections depend on spring tension					DN

J. FUEL SYSTEMS (SUBPART J OF PART 183)

Tanks

Tank made of unacceptable material (terneplate or ferrous if encased) and lacks proper coating (galvanized or aluminized) if black iron or steel (from fuel sources **183.512**)					DN
Tank is not labeled as required (**183.514**)					FP
If tested, tank fails mechanical tests: pressure & shock (< 25 gals) or pressure & impulse (25 gals to 199) pressure, impulse & slosh (larger than 200 gals) (**183.510**)					HQ
Tank openings not in highest part of tank (**183.518**)					DN

BOAT MODEL	4	3	2	1	
Tanks are integral with boat structure or mounted on engine					DN
Tank moves more than 1/4" any direction					HQ
Tank supports deck, bulkhead, etc					HQ
Water does not drain from tank top and sides					FP
Foam is sole support for metal tanks					HQ
Foam used to encase metal tanks or as sole support of non-metallic tanks does not meet **(183.516(b) or (c))**					HQ
Foam or FRP encased metal tanks causes capillary action					HQ
Bond strength of plastic bonded to metal tanks not > plastic itself					HQ
"Aft Only" tanks installed forward					DN
Label is not accessible on plastic encased tanks					FP
Supports, chocks & straps not insulated from tank surface by nonabsorbent material					HQ
Fuel System					
Fuel pump leaks if primary diaphragm fails					DN
Electric fuel pump runs without engine turning					DN
Fuel pumps mounted > 12" from engine (except transfer pumps)					FP
Each fuel line from tank top to engine inlet is not: Above tank top, or Equipped with anti-siphon device, or Equipped with electric fuel stop valve, or "Type A" and has valve at engine					DN
Minimum leakage from carburetor with float valve stuck open					HQ
Updraft and horizontal carburetors will not return collected fuel					DN
System contains drain fittings					DN

BOAT MODEL	4	3	2	1	
Fuel strainer plug not tapered or locking type (no split lock washers)	☐	☐	☐	☐	DN
Fuel hoses:					
Are not: Type A1 between fuel pump & carb, and Type A1 from tank to fuel pump, unless a rupture spills less than 5 oz of fuel, then Type B1. Type A1 or A2 for vent line or fill line unless less than 5 oz of fuel, then Type B1 or B2.	☐	☐	☐	☐	DN
Type A1&A2 & B1&B2 hoses not marked iaw regulation	☐	☐	☐	☐	FP
Each fuel hose connection, incl. vent and fill hoses does not include: 1. Swaged sleeve, or 2. Sleeve and threaded insert or 3. All of the following: a bead, flare, or annular grooves on the male fitting (except fill lines) and hose designed for clamps and within the fit tolerance of .558 and clamps meeting requirements	☐	☐	☐	☐	DN
Clamp requirements:					
Fill hose lacks 2 clamps	☐	☐	☐	☐	FP
Clamps are not corrosion resistant	☐	☐	☐	☐	FP
Clamps are not non-abrading or rely solely on spring tension	☐	☐	☐	☐	DN
Metal fuel lines:					
Are not Cu, Cu-Ni or NiCu & at least 0.029" wall thickness	☐	☐	☐	☐	DN
Lack flexible connection at engine & are not secured within 4"	☐	☐	☐	☐	DN
Metal lines/fuel syst components within 12" of battery top not shielded	☐	☐	☐	☐	FP
Fuel filter:					
Not independently supported	☐	☐	☐	☐	DN
Fuel filters/strainers have split seals or gaskets	☐	☐	☐	☐	DN
Electric fuel valves do not operate only with ignition on & cannot be run manually	☐	☐	☐	☐	FP

BOAT MODEL	4	3	2	1	
Fuel fill:					
Fill pipe location does not prevent overflow from entering boat	☐	☐	☐	☐	HQ
Fuel fill metal components not grounded	☐	☐	☐	☐	DN
Vent system:					
Lacks cleanable flame arrester	☐	☐	☐	☐	HQ
Does not prevent pressure buildup (80% label value)	☐	☐	☐	☐	HQ
Does not prevent overflow from entering boat	☐	☐	☐	☐	HQ
Fire test:					
If tested, all of following will not pass 2.5 min. fire test without leaking or breaking:	☐	☐	☐	☐	HQ
Fuel filters & strainers Fuel stop valves Type A fuel hose Hose clamps Fuel pumps Fuel tanks					
Accessibility:					
Fuel fittings, joints and connections not accessible (includes fittings on plastic encased tanks)	☐	☐	☐	☐	HQ

K. VENTILATION (SUBPART K OF PART 183)

Engine compartment has no powered blower	☐	☐	☐	☐	DN
Blower does not meet rating requirements	☐	☐	☐	☐	FP
Blower duct not in lower third or below normal bilge water level	☐	☐	☐	☐	FP
Lack of or improper blower operation label	☐	☐	☐	☐	DN
Ducts or openings for natural ventilation missing, too small or improperly installed	☐	☐	☐	☐	DN

L. MARINE SANITATION DEVICE (33 CFR 159)

Device not certified or not connected to a holding tank	☐	☐	☐	☐	HQ

BOAT MODEL	4	3	2	1	
M. NAVIGATION LIGHTS (BUILDER INSTALLED)					
Boat has improper configuration	☐	☐	☐	☐	HQ
Arc of visibility blocked	☐	☐	☐	☐	FP
Lights not installed in horizontal plane	☐	☐	☐	☐	FP
Lights not aligned with centerline	☐	☐	☐	☐	FP
Vertical separation or height less than required by INLAND RULES	☐	☐	☐	☐	FP
N. BACKFIRE FLAME ARRESTER (BUILDER INSTALLED 46 CFR 25.25)					
Device not CG approved	☐	☐	☐	☐	HQ
Device improperly installed	☐	☐	☐	☐	HQ
O. FIXED FIRE EXTINGUISHING SYSTEMS (BUILDER INSTALLED 46 CFR 25.30)					
System not CG approved CO2 or Halon 1301	☐	☐	☐	☐	HQ
System improperly installed	☐	☐	☐	☐	HQ

APPENDIX 7

DISTRICT DIRECTORS OF CUSTOMS

Anchorage, AK 99501
(907) 279-2543

Baltimore, MD 21202
(301) 962-2666

Boston, MA 02109
(617) 223-6598

Bridgeport, CT 06609
(203) 366-7851

Buffalo, NY 14202
(716) 842-5901

Charleston, SC 29402
(803) 577-4171

Chicago, IL 60607
(312) 353-6100

Cleveland, OH 44199
(216) 522-4285

Detroit, MI 55802
(313) 226-3177

Duluth, MN 55802
(218) 727-6692

El Paso, TX 79985
(915) 543-7435

Galveston, TX 77550
(713) 763-1211

Great Falls, MT 59401
(406) 453-7840

Honolulu, HI 96806
(808) 546-3115

Houston, TX 77052
(713) 226-4316

Portland, ME 04111
(207) 775-3131

Portland, OR 97209
(503) 221-2865

Providence, RI 02902
(401) 528-4383

Laredo, TX 78040
(512) 723-2956

Los Angeles, CA
see San Pedro

Miami, FL 33132
(305) 350-5791

Milwaukee, WI 53202
(414) 224-3924

Minneapolis, MN 55401
(612) 725-2317

Mobile, AL 36602
(205) 690-2106

New Orleans, LA 70130
(504) 589-6353

New York, NY 10048
(212) 466-5817

Newark, NJ 07105
(201) 645-3760

Nogales, AZ 85621
(602) 287-4955

Norfolk, VA 23510
(804) 441-6546

Ogdensburg, NY 13669
(315) 393-0660

Pembina, ND 58271
(701) 825-6201

Philadelphia, PN 19106
(215) 597-4605

Port Arthur, TX 77640
(713) 982-2831

San Juan, PR 00903
(809) 723-2091

San Pedro, CA 90731
(213) 548-2441

Savannah, GA 31401
(912) 232-4321

St. Albans, VT 05478
(802) 524-6527

St. Thomas, VI 00801
(809) 774-2510

San Diego, CA 92101
(714) 293-5360

San Francisco, CA 94126
(415) 556-4340

Seattle, WA 98104
(206) 442-5491

Tampa, FL 33602
(813) 228-2381

Washington, DC 20018
(202) 964-8511

Wilmington, NC 28401
(919) 763-9971

APPENDIX 8

REQUEST FOR MANUFACTURER ID CODE

MAIL TO:

Commandant (G-NAB-6)
U.S. Coast Guard
WASHINGTON, DC 20593-0001

DATE: _____

LEGAL NAME OF CORPORATION: _____

STATE OF INCORPORATION: _____

COMPANY NAME: _____

MAILING ADDRESS: _____

FACTORY ADDRESS: _____

PERSON TO CONTACT: _____

POSITION: _____

TELEPHONE: _____

BOATS MANUFACTURED:

MODEL NAME	TYPE	LENGTH	PROPULSION
MODEL NAME	TYPE	LENGTH	PROPULSION
MODEL NAME	TYPE	LENGTH	PROPULSION
MODEL NAME	TYPE	LENGTH	PROPULSION

MANUFACTURER ID CODE:

WERE YOU PREVIOUSLY ASSIGNED A MANUFACTURER IDENTIFICATION CODE?

YES ☐ NO ☐

IF YES, WHAT WAS IT? _____

DID YOU ACQUIRE ANOTHER COMPANY'S MOLDS OR ASSETS?

YES ☐ NO ☐

IF YES, WHAT IS THAT COMPANY'S NAME AND ADDRESS? _____

YOUR SIGNATURE _____

APPENDIX 9 CONSUMER COMPLAINT FORM

BOAT OWNER'S REPORT - POSSIBLE SAFETY DEFECT
U.S. Coast Guard Office of Navigation Safety
and Waterway Services

OWNER INFORMATION

LAST NAME	FIRST NAME & MIDDLE INITIAL		TELEPHONE NO. (W/ AREA CODE) WORK: HOME:
STREET ADDRESS		CITY	STATE ZIP CODE

BOAT AND ENGINE INFORMATION

BOAT MANUFACTURER	MODEL YEAR	MODEL NAME	HULL IDENTIFICATION NUMBER*
BOAT LENGTH	BOAT TYPE (Ex. bowrider; cuddy cabin; etc.)		
DATE PURCHASED		DEALER'S NAME AND ADDRESS	
NEW ☐	USED ☐		
ENGINE AND DRIVE MANUFACTURER		MODEL YEAR	MODEL NAME OR NO. SERIAL NO.
GAS ☐	DIESEL ☐	INBOARD ☐	OUTBOARD ☐ I/O ☐

*Twelve character manufacturer's serial number on outboard starboard side of transom
(also shown on State registration certificate)

APPLICABLE ACCIDENT INFORMATION

ACCIDENT	NO. INJURIES	NO. FATALITIES	COST OF BOAT REPAIRS
YES ☐ NO ☐			
NAME(S) OF DECEASED		ACCIDENT DATE & LOCATION	
DESCRIPTION OF ACCIDENT			

Privacy Act Statement
(The Privacy Act of 1974, Public Law 93-579)

This information is requested pursuant to authority in 46 U.S.C. 4310(f) (formerly the Federal Boat Safety Act of 1971). You are under no obligation to respond to this questionnaire. Your response may be used to assist the Coast Guard in determining whether a manufacturer should take appropriate action to correct a safety defect. If the Coast Guard proceeds with administrative enforcement or litigation against a manufacturer, your response, or a summary thereof, may be used in support of the Coast Guard's action.

Description of possible safety defect. Attach copies of any correspondence, repair orders, invoices, marine surveys, photos or sketches that you feel could substantiate the safety defect. If the possible safety defect is in a component installed or modified by someone other than the boat manufacturer, please so indicate and give details.

Defect description _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signature of Owner Date

_____

Fold to show Return Address below. Fasten with staples and mail

Commandant (G-NAB-5)
Boating Safety Hotline
U.S. Coast Guard Headquarters
Washington, DC 20593-0001